



SOUTH CAROLINA  
JUDICIAL BRANCH

STATE OF SOUTH CAROLINA )

COUNTY OF \_\_\_\_\_ )

The State of South Carolina )

v. )

\_\_\_\_\_, )

Defendant )

\_\_\_\_\_, )

AKA )

IN THE COURT OF GENERAL SESSIONS

**ORDER FOR DESTRUCTION OF  
ARREST RECORDS**

Race \_\_\_\_\_ Sex \_\_\_\_\_ Age \_\_\_\_\_

DOB \_\_\_\_\_ SSN \_\_\_\_\_

SID # \_\_\_\_\_

**IT APPEARS** that the Defendant is entitled to have all records relating to this offense, including any outstanding bench warrants, expunged and destroyed according to S.C. Code Ann. § 17-1-65.

Warrant / Indictment # \_\_\_\_\_

Date of Arrest \_\_\_\_\_

County of Arrest \_\_\_\_\_

Arrest Charge \_\_\_\_\_

**I HEREBY FIND AS FOLLOWS:**

☐ Defendant was convicted of unlawful possession of a handgun pursuant to S.C. Code Ann. § 16-23-20 prior to the enactment of the S.C. Constitutional Carry/Second Amendment Preservation Act of 2024 on March 7, 2024.

☐ This application was submitted prior to March 7, 2029 pursuant to S.C. Code Ann. § 17-1-65.

☐ Defendant has not previously applied for an expungement of a conviction of unlawful possession of a handgun pursuant to S.C. Code Ann. § 17-1-65.

**IT IS ORDERED** that all records relating to such arrest and subsequent discharge, including associated bench warrants, pursuant to the above-referenced section be expunged and destroyed and that no evidence of such records pertaining to such charge shall be retained by any municipal, county, or state agency except as follows:

- (1) arrest and booking record, associated bench warrants, mug shots and fingerprints of the defendant shall be retained under seal pursuant to § 17-1-40, by law enforcement, detention, correctional and prosecution agencies for three years and one hundred twenty days, and law enforcement and prosecution agencies may retain the information indefinitely under seal for purposes set forth in § 17-1-40(B)(1)(a) and (b); under § 17-1-40 (C)(1), this order does not require the destruction of evidence gathered, unredacted incident and supplemental reports, and investigative files, which statutorily shall be retained under seal for three years and one hundred twenty days, and may be retained indefinitely under seal for purposes set forth in § 17-1-40 (C)(1); and information retained under seal by law enforcement, detention, correctional and prosecution agencies pursuant to § 17-1-40 is not a public information and is exempt from disclosure, except by court order;
- (2) probation records retained by S.C. Department of Probation, Pardon, and Parole Services pursuant to § 17-1-40(B)(3) whose charges were dismissed by conditional discharge pursuant to § 44-53-450;



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- (3) nonpublic information retained by S.C. Law Enforcement Division (SLED) pursuant to § 22-5-910, § 22-5-920, § 34-11-90(e), and § 44-53-450; and
- (4) nonpublic information retained by SLED and S.C. Department of Public Safety/Department of Motor Vehicles pursuant to § 56-5-750(F), as well as any nonpublic records retained by S.C. Commission on Prosecution Coordination as required by law.

**IT IS SO ORDERED.**

\_\_\_\_\_  
Circuit Court Judge

\_\_\_\_\_  
Judge Code

\_\_\_\_\_  
Date

**To be completed by Circuit Solicitor:** The Circuit Solicitor consents, declines to consent, or has determined the applicant is ineligible for expungement (select only one, sign, print name, and date).

☐ Consents (charge not dismissed): The charge covered by this order was not dismissed or *nolle prossed* because of successful completion of the Pre-Trial Intervention Program, Traffic Education Program, Alcohol Education Program, or any other statutorily authorized diversion program operated by a solicitor's office. The charge covered by this order can legally be expunged.

☐ Consents (charge considered dismissed/*nolle prossed*): The records and/or case management system of the office of the Circuit Solicitor do not reflect that the charge covered by this order is currently pending. The Circuit Solicitor and/or staff has searched, but found no court record, SLED record, prosecutorial agency record, and/or law enforcement agency record that shows a disposition for the charge. The Circuit Solicitor interprets the absence of any such records as evidence of a dismissal or *nolle prosequi* unrelated to successful completion of the Pre-Trial Intervention Program, Traffic Education Program, Alcohol Education Program, or any other statutorily authorized diversion program operated by a solicitor's office. The date entered below by the Circuit Solicitor will be treated as the dismissal and/or discharge date for the charge for expungement purposes.

☐ Declines to consent.

☐ Determined ineligible for expungement.

\_\_\_\_\_  
Circuit Solicitor

\_\_\_\_\_  
Printed/Typed Name

\_\_\_\_\_  
Date

**For SLED internal use only:**

Expunged by SLED by: \_\_\_\_\_

Date: \_\_\_\_\_