

Pardon and Expungement in South Carolina

This document is meant to provide some basic information on obtaining a pardon or beginning the process to seek an expungement for past criminal convictions. It is meant to be a starting point for the student who has a prior criminal conviction and is seeking a career track in the health field that may require clinical training in a nursing home or hospital.

Forgiving and Forgetting – They are different!

If someone does something to you that you don't like, you might forgive them and forget all about it. Or, you might forgive them, but not forget what occurred. It is very similar with a pardon and an expungement. Here, the State of South Carolina is the forgiver, and you are asking for forgiveness for a past criminal act for which you were convicted. The simple difference between a pardon and having records expunged is this:

Having records **expunged** is where the State forgives and completely forgets about the crime. The conviction is erased from your records, and it is as if it never happened.

Obtaining a **pardon** is when the State forgives you for your crime, but the crime is not removed from your criminal record. A pardon entitles one to a restoration of several privileges that may have been suspended by the prior conviction. However, a pardon is forgiveness from the State, it does not mean that a private entity has to forgive you or restore the same privileges.

If I have a pardon, then why can a health care provider deny my access to clinicals?

Health care providers are private institutions with their own rules and regulations. They have complete power over who may enter their facilities to provide care for their patients. Piedmont Technical College does not make the determination as to who is allowed into clinical health care settings. The health care provider will review your criminal record and may choose to admit or deny access to their facility, even if you have a pardon. In many circumstances, a pardon will restore your access to a clinical facility, but it is not always the case. It is the recommendation of Piedmont Technical College that students seek to expunge their records whenever possible.

How can I expunge my records?

Expungements are only available in a limited set of circumstances. However, after looking at the following list, if you feel that you qualify to have your records expunged, then we recommend you choose this option.

Circumstances where you can expunge records:

Dismissal of criminal charge or non-conviction

Successful completion of PTI
Fraudulent Checks- **first offense only**
Simple Possession of Marijuana- **first offense only**
First Offenses in Magistrate's Court- **except the following offenses**
 Motor vehicle violations
 Fish, game, and watercraft violations
 Offenses in Title 25, Chapter 16 (Criminal Domestic Violence)

There are some exceptions and time limitations for eligibility, so you should check the Eighth Circuit Solicitor's website at www.scsolicitor8.org and click on "expungement" to see if your situation fits the requirements under the S.C. Code of Laws. This web site has every thing you need to get started with the expungement process.

How do I obtain a pardon?

The first resource should be the S.C. Department of Probation, Parole, and Pardon Services. You can reach them at www.dppps.sc.gov or you may want to contact the office in your county. The website has all the information you need to get started.

How do I obtain an expungement?

If you live in Greenwood, Laurens, Newberry, or Abbeville Counties, go to the www.scsolicitor8.org website, click on "expungement" and follow the instructions. If you live in McCormick, Saluda, or Edgefield, you will need to call the 11th Circuit Solicitor's Office at (803) 785-8352, obtain the proper forms, and set an appointment with someone in the office.

How long does getting a pardon or expunging my records take?

A long time. Whichever option that you decide is right for you, you need to start NOW! Do not wait until the last minute when you are about to enter your selected health care program to start this process. The minimum time for a pardon is nine months to a year. Expungements take less time, usually 8-10 weeks.

Do I need to hire an attorney?

Usually not. Some people are more comfortable having an attorney complete the forms and the process for them, but it is not necessary. Obtaining a pardon does require an appearance and a hearing before the Department of Probation, Parole, and Pardon Board, but legal representation is not required.