



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number:	H. 3066	Amended by the House of Representatives on February 11, 2020
Author:	King	
Subject:	Arrest Records	
Requestor:	Senate Judiciary	
RFA Analyst(s):	Gardner	
Impact Date:	February 19, 2020	

Fiscal Impact Summary

The Judicial Department reports that this bill will have no expenditure impact because the agency will administer policies resulting from the bill with the use of existing staff and resources.

The expenditure impact of this bill is pending, contingent upon a response from the State Law Enforcement Division, Commission on Prosecution Coordination, and the Department of Public Safety.

Explanation of Fiscal Impact

Amended by the House of Representatives on February 11, 2020

State Expenditure

This bill as amended relates to the destruction of arrest records for persons who have been detained as a result of mistaken identity. The bill requires a law enforcement or prosecution agency to, within 180 days after an investigation reveals that a person was arrested as a result of mistaken identity and whereby no charges have been nor will be filed against that person, destroy the records related to the arrest free of charge.

The bill also provides that a person charged with specific offenses may petition the solicitor in the county in which the alleged offense occurred for dismissal of the offense if it has not been adjudicated by trial or guilty plea, disposed of, or dismissed after five years from the date of the charge. Provided the petitioner has no other pending charges unrelated to the subject charge and no criminal convictions subsequent to the alleged offense, the solicitor must approve the dismissal within thirty days of receipt of the petition. Upon such a dismissal of charges, the solicitor in the county where the alleged offense occurred must notify the State Law Enforcement Division to remove the pending charge from the petitioner's criminal record within ten days of the notification of dismissal. All related arrest and booking records, bench warrants, mug shots, and fingerprints of the person must be destroyed, and no evidence of the record as to the charge or associated bench warrants may be retained by any municipal, county, or state agency. Agencies that intentionally violate these provisions will be guilty of contempt of court. This act takes effect upon approval of the Governor and applies retroactively to offenses charged before the effective date of the act.

Judicial Department. The bill requires a law enforcement or prosecution agency to, within 180 days after an investigation reveals that a person was arrested as a result of mistaken identity and whereby no charges have been nor will be filed, destroy the records related to the arrest free of charge. This bill will have no expenditure impact on the Judicial Department because the agency will administer policies resulting from the bill with the use of existing staff and resources.

State Law Enforcement Division. The expenditure impact of this bill is pending, contingent upon a response from the agency.

Commission on Prosecution Coordination. The expenditure impact of this bill is pending, contingent upon a response from the agency

Department of Public Safety. The expenditure impact of this bill is pending, contingent upon a response from the department.

State Revenue

N/A

Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater, Executive Director