



**SOUTH CAROLINA LAW ENFORCEMENT DIVISION
DNA DATABASE DEPARTMENT
Advisement of Expungement Rights**

Effective July 1, 2013 anyone arrested for an offense listed in S.C. Code Ann. §23-3-620 will be required to submit a biological sample to the State Law Enforcement Division for inclusion in the Combined DNA Index System (CODIS). Upon the occurrence of a condition listed below, the Solicitor in the county in which the person was charged must notify SLED to purge DNA and all other identifiable record information and the DNA profile from the State DNA Database at no charge to the arrestee.

The conditions are:

1. The qualifying charges pending against the person who has been arrested or ordered to submit a sample:
 - (a) have been nolle prossed;
 - (b) have been dismissed; or
 - (c) have been reduced to below the requirement for inclusion in the State DNA Database; or
2. The person has been found not guilty, or the person's conviction has been reversed, set aside, or vacated.

The Solicitor's office must provide notification for expungement by the submission of one of the following:

1. A document certified:
 - (a) by a circuit court judge;
 - (b) by a prosecuting agency;
 - (c) by a clerk of court;after one of the conditions listed above have occurred, and no new trial has been ordered by a court of competent jurisdiction;
2. a certified copy of the court order finding the person not guilty, or reversing, setting aside, or vacating the conviction.

Once notification has been received, SLED will follow expungement procedures to purge all information related to the arrestee. SLED will notify the person whose DNA record and DNA profile have been expunged and inform him/her, in writing, that the expungement process has been completed.

The request for expungement will be denied if the arrestee has another qualifying offense for which he/she was convicted or has charges pending.

(Subject's Name, Please Print)

(Subject's Date of Birth)

(Subject's Signature)

(Officer's Signature) (Date)