



# Veto Explanations

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**Governor Nikki R. Haley**

June 19, 2012



## State of South Carolina Office of the Governor

NIKKI R. HALEY  
GOVERNOR

1205 PENDLETON STREET  
COLUMBIA 29201

June 18, 2012

The Honorable Glenn F. McConnell  
State House, First Floor, East Wing  
Columbia, South Carolina 29201

Dear Mr. President and Members of the Senate,

I am vetoing and returning without my approval R265, S.580, a bill that exempts additional categories of professionals from the licensure and regulation provisions in Chapter 18, Title 40 that apply to private security and investigation agencies.

This bill exempts certified public accountants and providers of computer or digital forensic services from the obligation to register as private investigators. I support the aspects of this bill that would prevent these professionals from being needlessly subjected to costly and excessive compliance requirements.

Unfortunately, in its final form, **S.580 established a new Computer Forensics Registry at the State Law Enforcement Division. This language expands the scope and intrusiveness of government and creates a new license that adds more bureaucracy and red tape at a time when we are trying to create jobs and promote business in South Carolina.**

I would sign a bill that exclusively contained the exemption language that appeared in S.580 when it was originally passed by the Senate more than a year ago, but I cannot support the new registry that was appended immediately prior to the end of this year's session.

For this reason, I must return this bill without my approval.

Sincerely,

A handwritten signature in black ink, appearing to read "Nikki R. Haley".

Nikki R. Haley



# State of South Carolina

## Office of the Governor

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GOVERNOR

1205 PENDLETON STREET  
COLUMBIA 29201

June 18, 2012

The Honorable Glenn F. McConnell  
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Columbia, South Carolina 29201

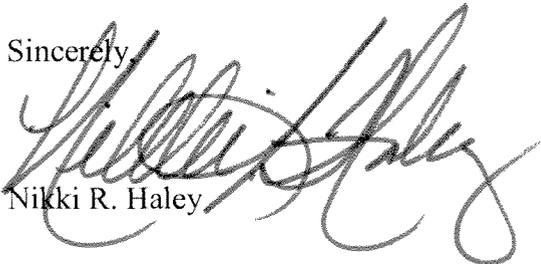
Dear Mr. President and Members of the Senate,

I am vetoing and returning without my approval R275, S.1167, a bill that primarily relates to tax increment financing.

Under current law, no portion of a county may be subjected to a local sales and use tax rate of more than one percent. This bill was amended to eliminate this limit for counties that have such a tax as of July 1, 2012 and use the proceeds for schools or other government expenses.

I have vetoed this bill because it is an invitation to raise taxes on our families and businesses. One penny is enough.

Sincerely,

  
Nikki R. Haley



## State of South Carolina Office of the Governor

NIKKI R. HALEY  
GOVERNOR

1205 PENDLETON STREET  
COLUMBIA 29201

June 18, 2012

The Honorable Robert W. Harrell, Jr.  
Speaker of the House of Representatives  
506 Blatt Building  
Columbia, South Carolina 29201

Dear Mr. Speaker and Members of the House,

I am vetoing and returning without my approval R284, H.3127, a bill that allows individuals convicted of crimes to apply for a recommendation for records expungement from the Board of Probation, Parole and Pardon Services when they apply for pardons. **I am vetoing this bill because it does not explicitly require a pardon as a pre-condition for expungement and the list of eligible offenses is overly-broad.** By making expungement a seemingly less extreme alternative to pardon, the Board would compromise the public good done by criminal history checks, allowing many to hide their past transgressions.

Even though I understand this bill only allows the Board to recommend expungement to a solicitor, such a recommendation would be weighed heavily and would most likely result in an expungement. As the bill stands, persons convicted of crimes like hit and run, child abandonment, and dealing drugs would have the opportunity to erase their criminal records. The result would be businesses and communities being unfairly deprived of the ability to be informed about the criminal histories of those caring for our children, minding our cash registers, and installing out alarm systems.

Because I am sensitive to the challenges of individuals re-entering our communities after being convicted of a crime, I will work with Representative Rutherford to craft a bill that improves employment opportunities for pardoned individuals without compromising the safety of our communities.

Sincerely,

A handwritten signature in black ink, appearing to read "Nikki R. Haley".

Nikki R. Haley

# SOUTH CAROLINA LAW ENFORCEMENT DIVISION

NIKKI R. HALEY  
*Governor*



MARK A. KEEL  
*Chief*

June 18, 2012

The Honorable Nikki R. Haley  
Governor  
Office of the Governor  
1205 Pendleton Street  
Columbia, SC 29201

Dear Governor Haley:

I am writing you in reference to R284, H3127 passed by the South Carolina General Assembly on June 7, 2012, regarding the expungement of criminal records of pardoned offenses other than those violent offenses specified in Section 16-1-60. While I have the utmost respect for the members of our General Assembly, I struggle with the bill in that it decreases protections to the general public, employers and the law enforcement community in that criminal history information that would prove critical to know about with regard to an individual would be eliminated from use. I would urge your veto.

The title of the bill indicates that the purpose of the bill is to restore the hunting rights to those convicted of a crime that would have disqualified them from carrying a firearm while hunting. However, a pardon already restores that right and makes this legislation unnecessary. As currently written, this bill provides a way for individuals to expunge "non-violent" felony charges that do not currently qualify under our state's expungement statutes. This bill would require SLED to expunge serious charges that could be pardoned such as: Arson 3<sup>rd</sup> degree; common law Assault High and Aggravated Nature; common law Assault with Intent to Kill; Breach of Trust More than \$10,000; Burglary 3<sup>rd</sup> degree; Criminal Domestic Violence 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> offense; Criminal Sexual Conduct 3<sup>rd</sup> degree; Distributing Obscene Material to a minor; Distributing, Manufacturing, and Possession of Controlled Substances; DUI; Embezzlement More than \$10,000; Exploitation, Neglect, and Willful Abuse of a Vulnerable Adult; Gangs Use Firearm/Weapon to induce/solicit; Housebreaking/Grand Larceny and Involuntary Manslaughter.



The Honorable Nikki R. Haley  
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June 18, 2012

Background checks performed by child development, daycares and adult care facilities which may expose children or vulnerable adults to physical harm or abuse would no longer have access to this information. Neither would employers who may be exposed to financial loss by someone previously convicted of embezzlement, arson or breach of trust. In addition, individuals previously pardoned by the Board, were pardoned knowing that their pardoned offense would still be a matter of public record. Had that not been the case, the Board may not have pardoned some who received pardons. Criminal history record information is used for licensing and employment purposes not only in South Carolina but nationwide.

A government's first responsibility is the safety and security of its citizens. This legislation is not in keeping with this duty or priority. Therefore, I would implore your consideration of a veto of H.3127.

Sincerely,



Mark A. Keel, Chief  
S. C. Law Enforcement Division

MAK/dwh



**South Carolina  
Crime Victims'  
Council**

1900 Broad River Road  
Columbia  
South Carolina 29210  
[WWW.SCCVC.ORG](http://WWW.SCCVC.ORG)

**Board of Directors:**

**Jackie Olsen**, President  
**Warren Holsonback**,  
Vice-President  
**Brenda Maxwell**, Sec/  
Tres.

**Council Members:**

Lynn Eargle  
Patrick Gaddie  
Michelle Gaddie  
Debbie Holsonback  
Brian Marion  
Silvia Allen Ouzts  
Karen Smith  
Randall Smith

**Executive Director:**

Laura Slade Hudson  
803 413-5040

[LauraHudson@SCCVC.org](mailto:LauraHudson@SCCVC.org)

June 8, 2012

The Honorable Governor of South Carolina  
Nikki Haley  
Governor's Office  
SC State House  
PO Box 11829  
Columbia, SC 29211

Dear Governor,

By this letter, the South Carolina Crime Victims' Council is respectfully requesting that you veto **H. 3127**, known as the expungement Bill, introduced by Rep. Todd Rutherford and others.

First, crime victims are concerned about the Bill from a public safety standpoint; since expunged records will not be available to the public or to law enforcement.

The cost to the Department of Probation, Parole and Pardon Services, SLED & the Solicitors, all of which are already strapped for funds in trying to perform their major functions will be enormous. **No fiscal impact accompanies this Bill.**

Then crime victims are concerned about plea downs: Frequently convictions are the result of massive pleas downs...CSC of all levels & CDV offenses are pled to ABHAN, Assault & Battery, & simple assault. A person who has received a pardon for a "nonviolent" offense may have been charged with a violent offense...there is no accommodation in the bill to allow for such information to stop an expungement. **This bill does not limit the number of charges an offender can have expunged...a complete criminal record could be eliminated on an individual.**

**The only offenses excluded from expungement is felony level violent offenses.**

An expunged offender's record would allow an individual to be employed by those entities serving children & vulnerable adults.

Licensing and employment entities use criminal records both in SC and nationwide to determine a person's suitability for employment or volunteer work. The ramifications of public safety are myriad and far reaching.

Also, capable attorneys may successfully argue that at the time of the offense, the individual's crime was not considered a violent offense (changed in 2010 with passage of S.1154).

Over 70% of offenders are recidivist. Several offenders who have been **pardoned** for very serious offenses (child molesters) have reoffended....if they had also successfully had their criminal record expunged, nothing could have been known in order to enhance their sentences. What a horrible thing to foist on an

unsuspecting public & the safety of law enforcement.

The Pardon Board has pardoned several thousand individuals not suspecting that expungement would be available to them in the future & certainly crime victims appearing before the Pardon Board had no clue that the record of the person offending them could have the entire offense expunged as though it never existed.

This is a reckless, ill thought out bill that made it through a non caring House, then was somewhat modified in a Senate sub-committee led by Senators Vince Sheheen, Jake Knotts & Campsen. The Bill flew off the Senate floor with no debate and was quickly concurred with by the House with no debate in the waning hours of Thursday, June 7th despite the objections of crime victim advocates and law enforcement. The haste in passage of such a far reaching Bill is ludicrous.

Also of grave concern is the vast numbers of Pardons that have been granted over the many years pardons have been available. **Since Calendar year 2007, 2,584 pardons have been granted to Non Violent offenders.** There have been thousands granted in the previous years, averaging **450** annually. ALL OF THESE WILL NOW SEEK EXPUNGEMENTS IF THEY HAVE NOT BEEN ARRESTED IN SC FOR 10 YEARS SINCE THEIR LAST CONVICTION. **The bill does not address convictions in other jurisdictions.**

The burden on PP&PS will be enormous.

Sections (D)(6) and the last sentence of (E) seem to be in conflict with one another.

Money forwarded to SLED **will not begin to cover the** manpower required or the postage required to the applicant or most especially the new data base required in Section (I)(2).

Any objections from prosecutors or law enforcement will require a hearing before the Parole & Pardon Board. What an insult to both entities. The objection of crime victims may be heard, but will not stop the process.

Also, what is a "minor traffic "offense?"

Crime victims and advocates are outraged at the folly of this ill conceived legislation that threatens the entire criminal justice record keeping system that affords so much safety to millions of our citizens and contributes to other national databases.

All non violent offenses would be subject to this expungement process ten years after a pardon has been granted. Only the Felony charges included in 16-1-60 would be excluded, so all the attempted violent offenses could be expunged. Some of the non-violent offenses would be:

- Embezzlement
- DUI
- Many drug charges
- CDV 1<sup>st</sup> & 2<sup>nd</sup>
- Malicious Injury to Property
- Resisting Arrest
- Forgery
- Petty Larceny
- ABHAN assault & Battery
- Simple Assault
- Shoplifting
- Receiving Stolen Goods

Low level Arson  
Unlawful Carrying of a Handgun  
Fraudulent Check Writing  
DUS  
to name only a few.

Currently a pardon will allow an individual to obtain a firearm...should this Bill become law, offenses expunged would circumvent current expungement statutes and allow such persons to obtain a firearm.

**Please honor our request to veto H.3127.**

For Balancing the Scales of Justice,

A handwritten signature in black ink, reading "Laura Slade Hudson". The signature is written in a cursive style with a large initial "L" and "H".

Laura Slade Hudson  
Executive Director  
SCCVC

# Solicitors' Association of South Carolina



Post Office Box 11251  
Columbia, South Carolina 29211-1251

David M. Pascoe, Jr.  
First Judicial Circuit

June 18, 2012

J. Strom Thurmond  
Second Judicial Circuit

Ernest A. Finney III  
Third Judicial Circuit

## **HAND DELIVERED**

William B. Rogers, Jr.  
Fourth Judicial Circuit

The Honorable Nikki Haley,  
Governor of the State of South Carolina  
Office of the Governor  
1205 Pendleton Street  
Columbia, South Carolina 29201

Daniel E. Johnson  
Fifth Judicial Circuit

Douglas A. Barfield, Jr.  
Sixth Judicial Circuit

Re: Request to Veto R284, H3127 (Expungements)

Barry J. Barnette  
Seventh Judicial Circuit

Dear Governor Haley:

Jerry W. Peace  
Eighth Judicial Circuit

On behalf of the South Carolina Solicitors' Association, I am writing in regard to R284, H3127, which was ratified by the General Assembly on June 12, 2012. The Solicitors' Association has discussed this bill and would respectfully ask that it be vetoed.

Scarlett A. Wilson  
Ninth Judicial Circuit

Christina T. Adams  
Tenth Judicial Circuit

This bill would allow a person to apply for a pardon and expungement of any crime not designated a "violent offense" in S.C. Code Section 16-1-60. Because the practical effect of this bill would allow for the expungement of records related to convictions of all crimes except for those committed under 46 criminal statutes, the Association is of the opinion that it is overly broad and harmful.

Donald V. Myers  
Eleventh Judicial Circuit

E.L. Clements III  
Twelfth Judicial Circuit

Thank you for your attention to this matter. If you have any questions or would like additional information, please contact me at (843) 871-2640.

William W. Wilkins III  
Thirteenth Judicial Circuit

Isaac McDuffie Stone III  
Fourteenth Judicial Circuit

J. Gregory Hembree  
Fifteenth Judicial Circuit

Sincerely,

A handwritten signature in dark ink that reads "David M. Pascoe, Jr." with a stylized flourish at the end.

Kevin S. Brackett  
Sixteenth Judicial Circuit

David M. Pascoe, Jr.  
President, Solicitors' Association of South Carolina



## State of South Carolina Office of the Governor

NIKKI R. HALEY  
GOVERNOR

1205 PENDLETON STREET  
COLUMBIA 29201

June 11, 2012

The Honorable Robert W. Harrell, Jr.  
Speaker of the House of Representatives  
506 Blatt Building  
Columbia, South Carolina 29201

Dear Mr. Speaker and Members of the House:

I am vetoing and returning without my approval R233, H.4033, a bill addressing the use of local sales taxes and assessments for capital improvements. **I am vetoing this bill because it gives improvement districts the ability to tax more homeowners who have not given their consent.**

This bill expands a municipal improvement district's taxing authority to include not only those properties near a canal, but also properties near waterways connected to a canal. This could lead to higher involuntary assessments for property-owners already subject to them, along with new assessments on property-owners who are not currently subject to these levies.

For these reasons, I am vetoing and returning without my approval R233, H.4033.

Sincerely,

A handwritten signature in cursive script that reads "Nikki R. Haley".

Nikki R. Haley

NRH/jdb



## State of South Carolina Office of the Governor

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GOVERNOR

1205 PENDLETON STREET  
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June 18, 2012

The Honorable Robert W. Harrell, Jr.  
Speaker of the House of Representatives  
Statehouse, Second Floor  
Columbia, South Carolina 29201

Dear Mr. Speaker and Members of the House,

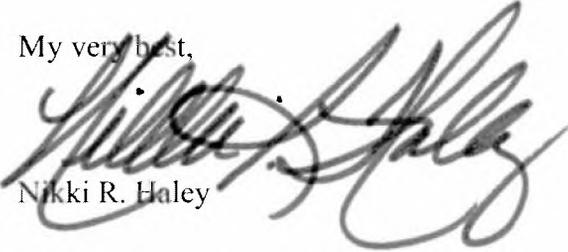
I am hereby vetoing and returning without my approval R296, H.4082, a bill that earmarks 2.25 percent of insurance premium tax receipts for the Forestry Commission's firefighting efforts and for the replacement of associated equipment. These resources would be diverted from the General Fund from 2013 until 2017.

As was the case this year, my Executive Budget will always focus on the core functions of government. I have supported and will continue to support the Forestry Commission's firefighting efforts, as evidenced by my Executive Budget's recommendation that we provide millions in additional support for firefighting staff and equipment.

Given the significant additional support that the Forestry Commission is receiving in both the current and the upcoming year's budget, **I am reluctant to go above and beyond this by supporting an additional earmark of insurance premium tax receipts. I am additionally wary of dedicating General Fund revenues to specific uses, since this practice commits us to spending patterns that limit our ability to respond to revenue shortfalls and recessions.**

I will continue to fight for our firefighters to have the equipment and resources that they need, but I believe that we should take a fresh look at how we prioritize and fund our essential services each year. I have vetoed this bill because those decisions should not be on autopilot.

My very best,

  
Nikki R. Haley



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Dear Mr. Speaker and Members of the House,

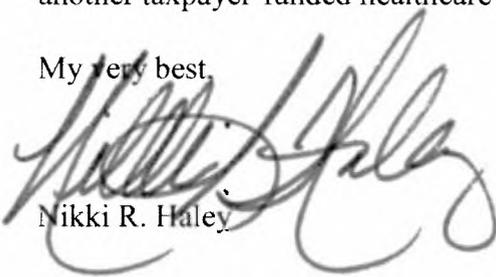
I am hereby vetoing and returning without my approval R299, H.4497, a bill that permits the Department of Health and Environmental Control (DHEC) to provide information on and to administer the human papillomavirus vaccine.

Nothing in current law precludes DHEC from performing any of the activities described in this bill. Furthermore, this bill carries no weight, merely describing steps that the agency "may" undertake beginning in the upcoming school year. In this respect, the bill is superfluous.

H.4497 can also be seen as essentially a suspended unfunded mandate. The bill states that implementation "is contingent upon the appropriation of state and federal funding" to fund the vaccine and the informational materials. Undoubtedly, once the mandate is established in law, advocates will argue that it necessarily follows that this new program must be now be funded by the General Assembly.

I have vetoed this bill because although it would have no real impact today, it is a precursor to another taxpayer-funded healthcare mandate.

My very best,

  
Nikki R. Haley



State of South Carolina  
Office of the Governor

NIKKI R. HALEY  
GOVERNOR

1205 PENDLETON STREET  
COLUMBIA 29201

June 11, 2012

The Honorable Robert W. Harrell, Jr.  
Speaker of the House of Representatives  
Statehouse, Second Floor  
Columbia, South Carolina 29201

Dear Mr. Speaker and Members of the House,

I am hereby vetoing and returning without my approval R258, H.4821, a bill that grants the Judicial Department permission to establish electronic filing fees at any rate it chooses. I am vetoing this bill because I do not believe that any branch of government should be provided with such comprehensive, unilateral authority to impose fees without regulatory or other comparable review.

Sincerely,

A handwritten signature in black ink, appearing to read "Nikki R. Haley".

Nikki R. Haley

NRH/jdb



## State of South Carolina Office of the Governor

NIKKI R. HALEY  
GOVERNOR

1205 PENDLETON STREET  
COLUMBIA 29201

June 11, 2012

The Honorable Robert W. Harrell, Jr.  
Speaker of the House of Representatives  
Statehouse, Second Floor  
Columbia, South Carolina 29201

Dear Mr. Speaker and Members of the House,

I am hereby vetoing and returning without my approval R239, H.4886, a Joint Resolution that exempts the students of Fountain Inn Elementary School from making-up a day missed in February due to bat infestation.

The 2011-12 schedule for Greenville County Schools incorporated three make-up days, on March 9, 12 and April 9. I am vetoing this bill because the district's leadership neglected to use any of these three opportunities to make-up for the lost day, while seeking a waiver pursuant to Section 59-1-425(C).

Although the single school day in question is unlikely to have been pivotal to any individual child's education, it is inappropriate for school district administrators to ignore the law's 180-day standard and essentially gamble that they will receive a waiver from the General Assembly before the session concludes. School districts actively seeking a waiver should exhaust any available make-up days, if the waiver has not yet been granted.

For these reasons, I am vetoing and returning without my approval R239, H.4486.

My very best,

A handwritten signature in cursive script that reads "Nikki R. Haley".

Nikki R. Haley

NRH/jdb



State of South Carolina  
Office of the Governor

NIKKI R. HALEY  
GOVERNOR

1205 PENDLETON STREET  
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June 11, 2012

The Honorable Robert W. Harrell, Jr.  
Speaker of the House of Representatives  
Statehouse, Second Floor  
Columbia, South Carolina 29201

Dear Mr. Speaker and Members of the House,

I am hereby vetoing and returning without my approval R246, H.5315, a Joint Resolution that exempts the students of Stall High School from making-up two days missed in January due to a gas leak.

The 2011-12 schedule for Charleston County Schools incorporated a June 4 make-up day. I am vetoing this bill because the district's leadership neglected to use this opportunity to make-up for a portion of the lost time, while seeking a waiver pursuant to Section 59-1-425(C).

Although the two school days in question are unlikely to have been pivotal to any individual child's education, it is inappropriate for school district administrators to ignore the law's 180-day standard and essentially gamble that they will receive a waiver from the General Assembly before the session concludes. School districts actively seeking a waiver should exhaust any available make-up days, if the waiver has not yet been granted.

Furthermore, the fact that this Joint Resolution was not introduced in the House of Representatives until May 23 illustrates that districts believe they can railroad these matters through the waning days of a legislative session without giving the General Assembly time to weigh the alternatives.

For these reasons, I am vetoing and returning without my approval R246, H.5315.

My very best,

A handwritten signature in black ink, appearing to read "Nikki R. Haley".

Nikki R. Haley

NRH/jdb