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Subject: Fw: SCCVC Letter concerning H.3127

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H. 3127 Governor Haley.pub

From: Laura Hudson [mailto:sccvc@sccvc.org]

Sent: Monday, June 18, 2012 05:33 PM

To: Veldran, Katherine

Subject: SCCVC Letter concerning H.3127

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:

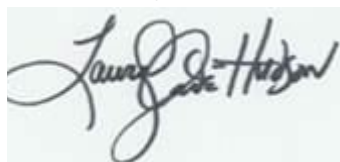
Embezzlement
DUI
Many drug charges
CDV 1st & 2nd
Malicious Injury to Property
Resisting Arrest
Forgery
Petty Larceny
ABHAN assault & Battery
Simple Assault
Shoplifting
Receiving Stolen Goods

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,



Laura Slade Hudson
Executive Director
SCCVC

