HENRY MCMASTER
    GOVERNOR

May 28, 2019

The Honorable James H. Lucas
Speaker of the House of Representatives
State House, Second Floor
Columbia, South Carolina 29201

Dear Mr. Speaker and Members of the House:

I am hereby vetoing and returning without my approval R-105, H. 3601, which seeks to authorize conditional discharge for first-time offenders charged with public disorderly conduct and to allow for the expungement of related records. Although I appreciate the underlying aims of H. 3601 and the well-intentioned efforts its sponsors, for the reasons set forth below, I am compelled to veto this legislation.

As I noted in vetoing previous expungement-related legislation, I believe in the rule of law, but I also believe in grace, and I recognize the challenges that individuals with criminal records face when applying for jobs. To this end, second chances should be freely given when individuals have made mistakes and paid their debts to society; however, criminal history, like all history, should not be erased. Rather, compassion should be informed by fact and should not be forced upon unwitting prospective employers and other interested parties.

An individual's criminal history can be instructive, but it need not be destructive.   When complicated, one's criminal history can be contextualized and considered in light of the totality of the circumstances. Otherwise, as Governor Haley noted in vetoing expungement legislation in 2012, "[t]he 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 ou[r] alarm systems." Therefore, I am unwilling to sign legislation that effectively sanctions an employee failing to acknowledge—or consciously omitting information about—a prior arrest for public disorderly conduct.

For the foregoing reasons, I am respectfully vetoing R-105, H. 3601 and returning the same without my signature.

Yours very truly,

Henry McMaster