



HENRY McMASTER
GOVERNOR

May 21, 2024

The Honorable G. Murrell Smith, Jr.
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-212, H. 4248, which seeks to authorize conditional discharge for first-time offenders charged with selling beer, wine, or alcoholic liquors to underage persons and to allow for the expungement of related records. Although I appreciate the underlying aims of H. 4248 and the well-intentioned efforts of its sponsors, for the reasons set forth below, I am compelled to veto this legislation.

As I have emphasized in vetoing numerous other expungement-related proposals, both in the current legislative session and in previous years, 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 these ends, 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 similarly 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." Accordingly, I am unwilling to sign legislation that effectively encourages an individual (and employee) to fail to acknowledge—or to consciously omit information about—having been previously charged with (and pleaded guilty to or been found guilty of) selling beer, wine, or alcoholic liquors to underage persons. Indeed, H. 4248 expressly and proactively sanctions such conduct in most circumstances. *See* R-212, H. 4248, §§ 1, 2 ("No person as to whom the [conditional discharge] order has been entered may be

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held pursuant to another provision of law to be guilty of perjury or otherwise giving a false statement by reason of his failure to recite or acknowledge the arrest, or indictment or information, or trial in response to an inquiry made of him for any purpose, except when the person is providing sworn statements or giving testimony under oath.”).

For the foregoing reasons, I am respectfully vetoing R-212, H. 4248 and returning the same without my signature.

Yours very truly,

A handwritten signature in black ink, appearing to read "Henry McMaster", written in a cursive style.

Henry McMaster

HM/tl