



HENRY McMASTER
GOVERNOR

May 21, 2024

The Honorable Thomas C. Alexander
President of the South Carolina Senate
State House, Second Floor
Columbia, South Carolina 29201

Dear Mr. President and Members of the Senate:

I am hereby vetoing and returning without my approval R-177, S. 112, which seeks to amend existing law so as to authorize—and, at least in certain cases, to require—the expungement of multiple convictions for passing or uttering fraudulent checks.

As I have explained multiple times in vetoing previous expungement-related legislation, I believe in both the Rule of Law and grace. I remain unwilling, for multiple reasons, to sign legislation that would have the practical effect of erasing a category of criminal records. First, it would prohibit employers from considering a person’s complete criminal history when making critical hiring decisions. As Governor Haley once observed in vetoing expungement legislation, such expungements “unfairly deprive[.]” “businesses and the community . . . 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.” Second, erasing these records would encourage individuals to be dishonest if (or when) they are asked about their criminal history. Third, I have particular objections to expunging multiple convictions for an offense that requires proof of an “intent to defraud,” S.C. Code Ann. § 34-11-60(a), and that has been regarded as a crime of moral turpitude, *see State v. Harrison*, 298 S.C. 333, 336, 380 S.E.2d 818, 819 (1989) (“A conviction for uttering a ‘fraudulent check’ by its very terms recognizes that an element of fraud is involved. Accordingly, there is no question that a fraudulent check conviction is one for a crime of moral turpitude and is therefore proper impeachment material.”) (superseded on other grounds by adoption of the Rules of Evidence). The crime of drawing and uttering a fraudulent check does not address the typical “bad check,” one honestly and inadvertently written on insufficient funds. It addresses those knowingly and intentionally written on insufficient, closed, or nonexistent bank accounts to defraud, trick, and deceive the payee, usually a merchant or a business.

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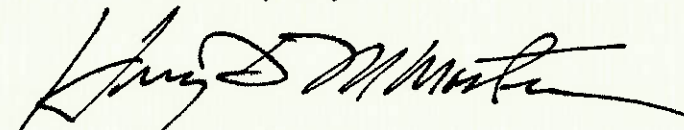
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At the same time, I appreciate the laudable goal of helping people secure employment and recognize the challenges that individuals with criminal records face when applying for jobs. A person who has paid his debt to society and reformed his life deserves the opportunity to work and support his family. An individual's criminal history can—and should—be contextualized and considered in light of the totality of the circumstances, but it should not be erased.

As I have previously stated in similar contexts, I remain willing to work with the General Assembly to pass laws to improve employment opportunities for individuals who have paid their debt to society without simultaneously preventing employers from considering a person's complete criminal history when making critical hiring decisions. We can achieve both an accurate record of the lives that people have led and ensure that honest, willing South Carolinians can find a job that is right for them.

For the foregoing reasons, I am respectfully vetoing R-177, S. 112 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