

1973 WL 27602 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 28, 1973

*1 A pardon does not expunge from public record the subject's past conviction.

Attorney at Law

Inquiry has been made of this office regarding whether or not a pardon issued by the State Probation, Parole and Pardon Board, under S. C. Code § 55-643 (1962), will serve to expunge from public record the recordation of the subject's past offense and conviction.

Initially it is to be noted that a pardon is by no means tantamount to an acquittal on the offense charged, but rather is a suspension of the legal consequences arising from the conviction of the wrongful act. 67 C.J.S. Pardons § 5 (19.0). There is no common law authority that such acts of clemency serve additionally to order the physical obliteration of existing records of the subject offense and conviction. Such a duty on the part of the public custodians of these records must come from statutory authority, of which there is none in this State. On the contrary, S. C. Code § 15-1767(14) (1962) provides that clerks of courts in South Carolina shall keep 'A Record Book of Pardons' in which shall be recorded the names of persons pardoned in the county, arranged alphabetically, the offenses for which they were convicted, the date of conviction and the date of pardon.

Accordingly, it is the opinion of this office that a pardon does not serve to expunge from public record existing records of the subject's past offense and conviction.

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