



HENRY MCMASTER
GOVERNOR

May 19, 2018

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-237, H. 3209, which seeks to, *inter alia*, expand the universe of criminal convictions that individuals can have expunged from their records and prevent most employers from considering such convictions.

By way of example, this bill would allow an individual who has been convicted of possessing, with the intent to distribute, a significant quantity of drugs to erase any record of their conviction. This legislation would also allow individuals to expunge multiple criminal convictions in certain instances. 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 out alarm systems.”

Criminal history, like all history, should not be erased. It can be instructive, but it need not be destructive or determinative; where complicated, it can be contextualized. I believe in the rule of law, but I also believe in grace, and I am cognizant of the challenges that individuals with criminal records face when reentering our communities and applying for jobs. Second chances should be freely given when individuals have paid their debt to society; however, forgiveness should be informed by fact and should not be forced upon unwitting participants and prospective employers. Therefore, I am unwilling to sign legislation that would have the practical effect of erasing large categories of criminal records and telling employers what they can and cannot consider when making critical hiring decisions.

It is well recognized that a job is the best way to reduce recidivism. Accordingly, I am willing to work with the General Assembly to pass laws to improve employment opportunities for

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individuals with non-violent, low-level drug convictions without compromising the safety of our communities. However, I am compelled to veto this legislation.

For the foregoing reasons, I am respectfully vetoing R-237, H. 3209 and returning the same without my signature.

Yours very truly,

A handwritten signature in blue ink, appearing to read "Henry McMaster". The signature is fluid and cursive, with a prominent initial "H" and a long, sweeping underline.

Henry McMaster