



South Carolina

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2025 UPDATED SLED GUIDANCE ON THE SOUTH CAROLINA SEX OFFENDER REGISTRY ACT ADULT OUT-OF-STATE OFFENDERS

On May 23, 2022, Governor Henry D. McMaster signed Act former House Bill 4075 into law. On May 22, 2025, Governor McMaster also signed former Senate Bills 28 and 29 into law. H. 4075 afforded all sex offenders in South Carolina a mechanism to seek removal from South Carolina's lifetime sex offender registry in response to the South Carolina Supreme Court's decision in *Powell v. Keel* and created state tiers for offenders. S.28 and S.29 amended the criteria for when Tier I and Tier II out-of-state offenders can apply for removal.

Tiering – Moving forward, in accordance with S.C. Code Ann. § 23-3-463, if “the offender is required to register due to an out-of-state or federal conviction, the equivalent tier under the federal Adam Walsh Child Protection and Safety Act of 2006 (Pub. L. 109 248), the Sex Offender Registration and Notification Act (SORNA) shall apply.”

Duration and Frequency of Registration – Adult Offenders are still required to register with the same frequency as before the passage of this bill, and this frequency is still dictated by the offender's applicable federal SORNA tier. Specifically, SORNA Tier I and II Offenders are required to “register biannually for life” or “every ninety days” for life for all persons “classified as Tier III pursuant to Title I of the federal Adam Walsh Child Protection and Safety Act of 2006 (Pub. L. 109-248), the Sex Offender Registration and Notification Act (SORNA).” See S.C. Code Ann. § 23-3-460(A), (B). However, this lifetime registration requirement is now subject to the removal provisions set forth below.

Removal Process and Requirements – For OUT-OF-STATE offenders:

Tier I – A Tier I offender may file a request for termination of the requirement of registration with SLED, in a form and process established by SLED if the person:

- (a) has been registered for at least fifteen years; or
- (b) **has been discharged from incarceration without supervision for at least fifteen years for the charge requiring registration; or**
- (c) **has had at least fifteen years pass since the termination of active supervision of probation, parole, or any other alternative to incarceration for the charge requiring registration; or**
- (d) **is a Tier I offender who was required to register as an offender because of a conviction in another state or because of a federal conviction and who is eligible to be removed under the laws of the jurisdiction where the conviction occurred.**

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Tier II – A Tier II offender may file a request for termination of the requirement of registration with SLED, in a form and process established by SLED if the person:

- (a) has been registered for at least twenty-five years; or
- (b) has been discharged from incarceration without supervision for at least twenty-five years for the charge requiring registration; or**
- (c) has had at least twenty-five years pass since the termination of active supervision of probation, parole, or any other alternative to incarceration for the charge requiring registration;**
- (d) is a Tier II offender who was required to register as an offender because of a conviction in another state or because of a federal conviction and who is eligible to be removed under the laws of the jurisdiction where the conviction occurred.**

The SLED application form and process are attached and can be accessed on SLED's website – www.sled.sc.gov. Currently, SLED is only able to accept paper applications, which must be mailed to: **Application for Removal from Sex Offender Registry, SLED SOR Unit, Post Office Box 21398, Columbia, SC 29221**. The applicant must send the following:

1. **Completed SLED APPLICATION**. (Available on SLED's website www.sled.sc.gov)
2. **2 sets of fingerprints** from the applicant for SLED to conduct a fingerprint-based state and a federal criminal history check on the applicant.

****For SLED to proceed, the applicant “must not have been convicted of failure to register within the previous ten years” and “must not have been convicted of any additional sexual offense after being placed on the registry.” See S.C. Code Ann. § 23-3-462(A)(4), (5).**

3. A filing fee of **\$250.00**, which can only be paid via money order or cashier's check. (SLED does not accept personal checks).
4. Proof that the applicant **“successfully completed all sex offender treatment programs that were required.”** This proof must be official documentation acknowledging successful completion.

Upon receipt of all the above required documents and information, SLED will review the documentation provided by the offender, and will notify the original prosecuting agency for approval. If all the requirements of this section are verified, SLED shall, within one hundred twenty days of receipt of the request for termination, remove an offender's name from the registry and notify the offender that the offender is no longer required to comply with the registry requirements of this article. **If it is determined that the offender has been convicted of any prohibiting offenses during the applicable period, has not substantially complied with this section, or an objection has been filed by the original prosecuting agency, SLED shall not remove the offender's name from the sex offender registry and shall notify the offender that the offender has not been relieved of the provisions in this article.**

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Tier III – For Tier III Offenders, there is no administrative request to SLED for termination. Rather, S.C. Code Ann. § 23-3-463(A)(3) provides that an “offender who was convicted as an adult, and who is required to register as a Tier III offender may not file a request for termination of registration with SLED nor shall any such request be granted pursuant to this subsection.” Rather, S.C. Code Ann. § 23-3-463 provides that Tier III Offenders **may file a motion with the General Sessions Court** to request an order to be removed from the requirements of the sex offender registry act if the offender is a **Tier III offender after thirty years from the date of discharge from incarceration without supervision, or the termination of active supervision of probation, parole, or any other active alternative to incarceration.**

***With regard to the request (whether a challenge to a denial by Tier I or Tier II offenders or a request by Tier III offenders), the following apply:

In accordance with S.C. Code Ann. § 23-3-463, the State of South Carolina must be named as the respondent to the action and shall be represented by the prosecution office that obtained the underlying conviction for which the offender is required to register, or, if the conviction occurred outside of the State, the Attorney General. All requirements of the Victim’s Rights Act, including reasonable notice, must be observed. SLED is not a party to such action and should not be named. The following agencies also have standing to request to be made a party to the motion:

- (1) any original prosecuting solicitor’s office for an underlying qualifying conviction if not already representing the State;
- (2) the local solicitor’s office where the offender resides at the time of the hearing if not already representing the State; or
- (3) the Attorney General’s Office if not already representing the State.

The appeal must be filed in the county in which the underlying conviction occurred if the conviction occurred within the State, or if the conviction occurred outside of the State, the county in which the offender resides. The court must make a determination upon a finding by **clear and convincing evidence** that the offender is no longer a foreseeable risk to reoffend and that it is in the best interest of justice to grant the motion for removal from the requirement of registration.

However, a person requesting a hearing under this section is entitled to the assistance of counsel, and if the person is indigent, the court must appoint counsel to assist the person.

In addition, the court may direct that a qualified evaluator designated by the South Carolina Department of Mental Health conduct an evaluation whether the offender poses a foreseeable risk to reoffend. For any such evaluation, the court must order the offender to comply with all testing and assessments deemed necessary by the evaluator. After the evaluation by the qualified evaluator designated by the department, if the offender or the prosecutor seeks an independent evaluation by an independent qualified evaluator, then that evaluation must be completed within ninety days after receipt of the request by the department evaluator. The court may grant an extension upon the request of the independent qualified evaluator and a showing of extraordinary circumstances. Any qualified evaluator who will be submitted as an expert at a hearing on the motion must submit a written report available to both parties.

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Challenging SLED's Determination

THERE IS NO APPEAL TO SLED. Rather, an offender whose request for termination of registration requirements is denied by SLED is entitled to appeal the denial **to the general sessions court pursuant to the requirements of Section 23-3-463** set forth above.

Re-applying After SLED Denial

If the offender is denied a termination request by SLED, the offender may petition again for termination with SLED **NO SOONER THAN FIVE YEARS AFTER THE PREVIOUS DENIAL**. If an offender is denied a termination request based on conviction of any additional sexual offenses or violent sexual offenses, the offender may not submit a petition to SLED for termination unless the subsequent conviction is overturned or a pardon granted.

However, if an appeal motion is filed and denied, the person may not file for removal from the registry pursuant to this section again until five years after the date of the final order.

Other Avenues of Removal

S.C. Code Ann. § 23-3-430(E) - SLED shall remove a person's name and any other information concerning that person from the sex offender registry immediately upon notification by the Attorney General that the person's adjudication, conviction, guilty plea, or plea of nolo contendere for an offense listed in subsection (C) was reversed, overturned, or vacated on appeal and a final judgment has been rendered.

S.C. Code Ann. § 23-3-430(F) - If an offender receives a pardon for the offense for which he was required to register, the offender must reregister as provided by Section 23-3-460 and may not be removed from the registry except:

- (1) as provided by the provisions of subsection (E); or
- (2) if the pardon is based on a finding of not guilty specifically stated in the pardon.

S.C. Code Ann. § 23-3-430(G) - If an offender files a petition for a writ of habeas corpus or a motion for a new trial pursuant to Rule 29(b), South Carolina Rules of Criminal Procedure, based on newly discovered evidence, the offender must reregister as provided by Section 23-3-460 and may not be removed from the registry except:

- (1) as provided by the provisions of subsection (E); or
- (2) (a) if the circuit court grants the offender's petition or motion and orders a new trial;
and
(b) a verdict of acquittal is returned at the new trial or entered with the state's consent.