



State of South Carolina Office of the Governor

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June 11, 2010

The Honorable André Bauer
President of the Senate
State House, First Floor, East Wing
Columbia, South Carolina 29201

Dear Mr. President and Members of the Senate:

I am hereby vetoing and returning without my approval S. 288, R. 296, which requires individuals convicted of a violent crime to surrender their drivers' licenses and requires the Department of Motor Vehicles (DMV) to issue them new licenses that carry a symbol or code identifying the individuals as violent offenders.

We struggled with this bill in looking at ways to balance the bill's intent in attempting to protect our state's law enforcement officers with civil liberty concerns. If this bill passed, South Carolina would become the first state in the country to have adopted this licensing provision. Our take-away in analyzing this bill is not entrenched opposition, but rather is a question of why not wait on moving forward. South Carolina's police officers and highway patrolmen are courageous and encounter potentially deadly situations every time they make a traffic stop. In this regard, we applaud S. 288's supporters for trying to make them safer when doing their jobs. Nevertheless, we are compelled to veto this bill along the same rationale used in our opposition to warrantless searches because of the additional administrative costs imposed and privacy concerns.

First, S. 288 will impose additional administrative costs on DMV and the court system in a year in which their budgets are severely strained. Given that we would be first in the nation to pass this measure, it may be prudent to indeed wait and let this financial storm pass before moving forward. Under this bill, when a person is convicted of a violent crime, the court must notify DMV of the conviction, and DMV is required to notify the offender that he must surrender his license. If the offender surrenders the license, then DMV must issue a special identification card that contains an affixed symbol or code that identifies the licensee as a violent offender. These administrative tasks will require man-hours from court and DMV employees, and DMV will have to spend an additional \$25,000 to implement this new system through new training, license applications, and IT systems.

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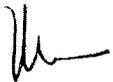
In most cases, though, the offenders will likely be serving time and will fail to surrender their licenses because they will not receive the notice. This will result in an inadvertent suspension of the offenders' licenses. If the offenders later choose to reapply for a license, then they will encounter new administrative hurdles. If the offenders fail to reapply, they will be less likely to get a job due to lack of transportation or be more likely to reoffend by driving without a license. None of these scenarios will benefit the state or the offenders affected by this bill.

Second, S. 288 invades the privacy interests of offenders who have paid their debt to society and who are free to drive regardless of their past offenses. If drivers' licenses were used only to drive, we would support this bill. However, drivers' licenses are used routinely as identification to buy goods, procure utility and other services, vote, cash checks, and obtain credit, among many other things. The parties on the other sides of these transactions have no compelling reason to know a person's criminal history after they have completed their sentence. Affixing a symbol that brands these individuals as violent criminals will only hinder their reintegration into free society. One of the key ideas behind the sentencing reform measure passed this year was that we needed to recognize that nearly every criminal who does wrong to an individual, and society at large, indeed reenters society. In this regard, once a sentence has been served we should look for ways to make this reintegration easier, not harder. We should leave room for repentance, redemption, hope, faith and growth as the individual may have changed in meaningful ways since they did wrong. For this reason, we would encourage a clearer path to phasing out what could become a *de facto* "V" for violence symbol on one's driver's license.

Third, we do not believe that affixing a symbol or code to a driver's license that identifies an individual as a violent criminal will make our law enforcement officers safer. Law enforcement officers are trained to know that they may be approaching a dangerous person each time they make a stop, and they should always be prepared to handle a potentially violent encounter regardless of whether a suspect or traffic violator has a criminal history. Merely affixing a symbol to a driver's license will not prevent a would-be attacker, and law enforcement officers are trained to always take precautions to prevent and respond to attacks that would precede even the chance to see the symbol required under this bill.

For these reasons, I am vetoing and returning without my approval S. 288, R. 296.

Sincerely,



Mark Sanford