



HENRY McMASTER  
GOVERNOR

May 23, 2022

The Honorable G. Murrell Smith, Jr.  
Speaker of the House of Representatives  
State House, Second Floor  
Columbia, South Carolina 29201

Dear Speaker Smith:

I have signed into law R-249, H. 4075, which amends numerous aspects of existing law related to the South Carolina Sex Offender Registry Act (“SORA”), S.C. Code Ann. §§ 23-3-400 *et seq.* (2007 & Supp. 2020).

As you know, H. 4075 was prompted by the South Carolina Supreme Court’s recent decision in *Powell v. Keel*, in which the Court held that “SORA’s lifetime registration requirement is unconstitutional absent any opportunity for judicial review to assess the risk of re-offending.” 433 S.C. 457, 472, 860 S.E.2d 344, 352 (2021), *reh’g denied* (Aug. 4, 2021). In announcing this departure from longstanding precedent, however, the Court “reserve[d] the effective date of [its] opinion for twelve (12) months from the date of filing to allow the General Assembly to correct the deficiency in the statute regarding judicial review.” *Id.*

In response to the Court’s decision in *Powell*, the General Assembly passed H. 4075, which provides, *inter alia*, a mechanism for an individual to request termination of the sex offender registration requirements and to seek judicial review of any denial. I recognize that the Court’s ruling and corresponding deadline left the General Assembly little time to propose and pass a legislative remedy. Although it is by no means perfect, H. 4075 will nevertheless avoid the chaos and uncertainty that would have resulted if the General Assembly had allowed the Court’s holding to go into effect without legislative action. Going forward, I encourage the General Assembly to consider additional legislation both to clarify any remaining issues and to enhance H. 4075’s statutory modifications so as to preserve public safety and protect victims’ rights. In the interim, by copy of this letter, I am directing the Chief of the South Carolina Law Enforcement Division to ensure that the process established in accordance with section 23-3-462 of the South Carolina Code of Laws, as amended, includes promptly notifying the original prosecuting agency of any individual’s request to terminate the sex offender registration requirements and affords the corresponding prosecutor the opportunity to object to the same.

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For the foregoing reasons, I have signed H. 4075 into law. I look forward to continuing to work with the General Assembly on this important matter.

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

cc: Chief Mark Keel  
South Carolina Law Enforcement Division