

1975 S.C. Op. Atty. Gen. 100 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 4026, 1975 WL 22323

Office of the Attorney General

State of South Carolina

Opinion No. 4026

May 2, 1975

***1 Re: Restoration of rights under Order of Pardon.**

Mr. J. P. Pratt, II
Deputy Director
South Carolina Probation, Parole and Pardon Board
P. O. Box 11368
Capitol Station
Columbia, South Carolina 29211

Dear Mr. Pratt:

You have written for an opinion requesting which rights are restored as a result of a pardon granted by the South Carolina Probation, Parole and Pardon Board. The Board is invested with statutory authority to grant pardons pursuant to §§ 55-641-55-643, Code of Laws of South Carolina, 1962, as amended. You have specifically requested whether an individual would be allowed to carry a firearm and be employed by a law enforcement agency after receiving a pardon from your Board.

The general rule is that a full pardon 'relieves the punishment and blocks out the existence of the guilt of the offender to such an extent that in the eye of the law he is as innocent as if he had never committed the offense.' It is further generally accepted that a full and unconditional pardon 'restores to the defendant all customary civil rights which ordinarily belong to a citizen.' See 59 Am. Jur.2d Pardon and Parole, §§ 51 and 57. However, this is not to say that a pardon is granted upon the theory of innocence. The Courts have stated that a pardon presupposes guilt, not innocence, since without guilt there can be no forgiveness. In view of the generally accepted doctrine that a full pardon 'absolves one from all legal consequences of his crime,' there is no reason as a matter of law that one who has received a full pardon should be ineligible for employment by law enforcement agencies solely because of his prior conviction.

Very truly yours,

Stephen T. Savitz
Assistant Attorney General

1975 S.C. Op. Atty. Gen. 100 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 4026, 1975 WL 22323