

1978 WL 207600 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 22, 1978

\*1 Mr. S. Louis Gregory, III  
Special Agent In Charge  
Seaboard Coast Line Railroad Company  
508 Taylor Street  
Cayce, South Carolina 29033

Dear Mr. Gregory:

Thank you for your letter dated April 27, 1978, regarding access to criminal history records. Therein you specifically ask whether railroad police may properly be considered a “criminal justice agency” as defined by [Section 20.3\(c\), 28 CFR Part 20](#), and therefore permitted under said regulations to obtain nonconviction information pursuant to Section 20.21(b)(2) thereof.

[Section 20.3\(c\)](#) defines a criminal justice agency in part as “a government agency or any subunit thereof ....”

As you note, [Section 58-13-910 of the 1976 Code of Laws of South Carolina](#) authorizes the Governor, upon application of the superintendent or manager of any railway or other common carrier doing business in this State, to appoint special officers or constables. Such officers appointed pursuant thereto, however, clearly are not part of a government agency or subunit which would qualify under Section 20.21(b) to receive nonconviction data. Accordingly, it is the opinion of this Office that railroad police are not a criminal justice agency within the meaning of the aforementioned Federal regulations.

However, I would note for your information only that Subsection 2 of Section 20.21(b) might possibly be construed to include railroad police and thereby permit the access you desire. If you have any questions or suggestions in this regard, please feel free to contact me.

Very truly yours,

Richard P. Wilson  
Assistant Attorney General

Approved by:

(Illegible Signature)

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