

1975 WL 29806 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 14, 1975

***1 In Re: Criminal Offense Records**

Mr. Charles L. Henshaw, Jr.
Herald Reporter
News Building
Augusta, Georgia 30903

Dear Mr. Henshaw:

You have asked several questions relative to the provisions of Section 17-4, 1962 Code of Laws of South Carolina, as amended, having to do with the destruction of records related to criminal charges in which the defendant is not found guilty.

There has been no memorandum from this Office to law enforcement agencies detailing the necessary steps for compliance and insofar as I have been able to ascertain, there has been no advisory opinion from this Office relating to the subject statute.

The subject section does not set forth a cutoff date for compliance by law enforcement agencies with this section.

Since the subject provision of law does not set forth a penalty for violation thereof, it is the opinion of this Office that a failure to comply is not a criminal offense.

The provisions of Section 17-4 would apply to all criminal records—not just those created since the passage of such act.

Yours very truly,

Joseph C. Coleman
Deputy Attorney General

1975 WL 29806 (S.C.A.G.)