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The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLIE CONDON
ATTORNEY GENERAL

April 26, 2000

The Honorable Fletcher C. Mann, Jr.
Clerk of Court
Greenville County Courthouse
305 East North St.
Greenville, SC 29601-2120

Dear Mr. Mann:

You have asked whether the \$35.00 filing fee "for filing and processing an order for the Destruction of Arrest Records" under S.C. Code Ann. §8-21-310 (21) (Supp. 1999) may be waived for reasons of indigence. This provision and the statute in which it is set forth contain no provisions for waiver of this particular fee for reasons of indigence, and I have located no other applicable statutory exception based upon indigence; however, paragraph 21 of §8-21-310 does provide that the fee does not apply under other circumstances specified therein such as when the defendant is found not guilty. For your information, I am enclosing a copy of a previous opinion of this Office which contains some discussion related to fees and indigence which may be of guidance. *Ops. Atty. Gen. March 26, 1986.*

This letter is an informal opinion. It has been written by the designated Assistant Deputy Attorney General and represents the opinion of the undersigned attorney as to the specific questions asked. It has not, however, been personally reviewed by the Attorney General nor officially published in the manner of a formal opinion.

If you have further questions, please let me know.

Yours very truly,

A handwritten signature in dark ink, appearing to read "J. Emory Smith, Jr.", written over a horizontal line.

J. Emory Smith, Jr.
Assistant Deputy Attorney General

Request Letter