

1983 WL 181919 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 20, 1983

**\*1 RE: Opinion Request**

Ms. Carolina W. Mattos  
Clerk of Court  
Greenville County Courthouse  
Greenville, S. C. 29601

Dear Ms. Mattos:

Attorney General Medlock has forwarded to me your letter addressed to him and dated May 9, 1983, and has asked that I respond thereto.

Your initial inquiry concerns whether all of the records you maintain in the Clerk of Court's Office should be expunged upon receiving an Order to do so by a Judge.

Section 17-22-150, in its pertinent portions, states the following:

In the event an offender successfully completes a pretrial intervention program, the solicitor shall effect a noncriminal disposition of the charge or charges pending against the offender. Upon such disposition, the offender may apply to the court for an order to destroy all official records relating to his arrest and no evidence of such records pertaining to such charge shall be retained by any municipal, county, or state agency, except as otherwise provided in Section 17-22-130. 17-22-150, Code of Laws of South Carolina, (Cum. Supp. 1982).

Section 17-22-130 excludes the Circuit Solicitor's Office, the South Carolina Law Enforcement Division, and the State Coordinator's Office for the Pretrial Intervention Program, from the requirements of Section 17-22-150. No such exclusion is provided for the records maintained in a Clerk of Court's Office. Therefore, it would appear that after receiving a properly signed Order, your office is required by law 'to destroy all official records' relating to that person's arrest and involvement with the law.

In response to your inquiry concerning the applicability of Section 17-1-40 to the Pretrial Intervention Program, please note that I am enclosing with this letter a previous opinion issued by this Office and dated May 18, 1978, as well as a letter dated April 4, 1979, which responds to a similar inquiry. This opinion and the letter are self-explanatory and I believe will adequately answer this inquiry.

I hope this response to your inquiries satisfactorily answers the questions you have raised. If not, or if this Office can be of any further assistance to you, please feel free to contact us.

With kindest personal regards, I am  
Sincerely,

Larry L. Vanderbilt  
Assistant Attorney General

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