

The State of South Carolina



Office of the Attorney General

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September 23, 1991

The Honorable Samuel P. Riley
Sheriff, Greenwood County
528 Edgefield Street
Greenwood, South Carolina 29646-2686

Dear Sheriff Riley:

In a letter to this Office you questioned the authority of a magistrate to sign an expungement order.

As stated in the South Carolina Bench Book for Magistrates and Municipal Court Judges, which cites an opinion of this Office dated October 25, 1985, a copy of which is enclosed,

An individual seeking to expunge criminal records information must petition the circuit court for an order of expungement and give the solicitor notice of the petition. Magistrates and municipal judges do not have the authority to order the expungement of any records. Only a circuit judge may order the destruction of records

p. III-106. Therefore, a magistrate is without authority to sign an expungement order in any of the situations referenced in your letter.

With kind regards, I am

Very truly yours,


Charles H. Richardson
Assistant Attorney General

CHR/an
Enclosure

REVIEWED AND APPROVED BY:


Robert D. Cook
Executive Assistant for Opinions