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The State of South Carolina



Office of the Attorney General

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September 18, 1985

Ms. Jeanne R. Hertzog
Director of Personnel/Budget
Lexington County Sheriff's Department
Post Office box 639
Lexington, South Carolina 29702

Dear Ms. Hertzog:

On behalf of the Honorable James R. Metts, Sheriff of Lexington County, you have requested advice of this office as to the duties of law enforcement personnel in the fingerprinting of pupils under §59-63-50 of the Code of Laws of South Carolina, 1976, as amended. See Act 201, Part II, Section 9(j), Acts and Joint Resolutions of South Carolina, 1985. This law states that the "...State Law Enforcement Division and all local law enforcement agencies are instructed and authorized to assist local school authorities in the fingerprinting of school children...." (Emphasis added). A plain reading of this sentence with regard to the word "assist" indicates that the legislature intended the law enforcement officials to help without requiring that these officials be responsible for the entire fingerprinting process. See Sutherland Statutory Construction, Vol. 2A, Section 46.01 et seq.; Black's Law Dictionary (Fifth Ed.), "assist". This construction is supported by other parts of the fingerprint law which direct the counties to provide the forms and ink pads and which give local school boards the responsibility for implementation of this statute. See Sutherland, §51.01 et seq.

The statute does not contain express guidance as to nature and the amount of assistance that must be given by law enforcement agencies. Because of the express responsibility of local school boards for the implementation of this law and the express responsibility of law enforcement agencies to assist school officials, the respective authorities could confer to seek agreement on reasonable means of implementing this statute. The giving of training and/or providing supervision may be sufficient assistance provided that the fingerprinting can be satisfactorily accomplished.


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Such factual questions concerning the manner of assistance can be most appropriately addressed initially through these discussions between law enforcement and local school officials; however, if we may be of additional assistance, please let us know.

We are not aware of any statewide implementation procedures. You may wish to check with SLED about this matter if you have not already done so.

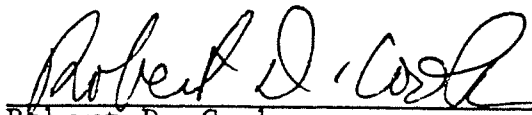
If we may be of additional assistance, please do not hesitate to contact us.

Yours very truly,


J. Emory Smith, Jr.
Assistant Attorney General

JESjr/srcj

REVIEWED AND APPROVED BY:


Robert D. Cook
Executive Assistant for Opinions