

1977 S.C. Op. Atty. Gen. 324 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-396, 1977 WL 24732

Office of the Attorney General

State of South Carolina

Opinion No. 77-396

December 14, 1977

*1 Honorable Myron F. Green
Oconee County Sheriff
Oconee County Sheriff's Department
Walhalla, South Carolina 29691

Dear Sheriff Green:

Your letter to the Attorney General of October 27, 1977, regarding, an anticipated transfer of supervision over your Department's records and communications divisions has been referred to me for reply.

You have questioned the legality of this anticipated transfer of supervision over your Department's records and communications divisions from your office to that of the newly created Director of Corrections for Oconee County. Although it is unclear from your letter under what authority the subject transfer is to be accomplished, I presume that it is a decision of the county's governing body and not the General Assembly.

Section 23-15-20 of the 1976 Code of Laws of South Carolina requires every county sheriff to keep and preserve as public records certain books relating to the conduct of their official duties. Your records division, I presume, is charged by you with that responsibility. Inasmuch as that general statutory responsibility has not been transferred by the General Assembly, it must be concluded that it continues to devolve directly on the sheriff and his staff. See 1964-1965 Ops.Atty.Gen., No. 1791, p. 28.

However, regarding the operation of a communications system (radio and teletype) we have found no statutes expressly vesting any body or agency with such a responsibility. Although it is a law enforcement function usually associated with the office of sheriff, there appears to be no legal obstacle to a transfer on the county level of that function to an appropriate county officer.

I trust the preceding discussion adequately answers your question, however, if any further explanation is required, please feel free to contact us.

Very truly yours,

Richard P. Wilson
Assistant Attorney General

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