

1978 WL 34644 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 9, 1978

*1 L. Edward Simmons
Chief of Police
North Charleston Police Department
Post Office Box 5817
North Charleston, South Carolina 29406

Dear Chief Simmons:

Your letter of December 21, 1977, has been referred to me for response. You have requested an opinion from this Office concerning the transmission of yellow copies of traffic tickets by a municipal, county, or State law enforcement agency to the South Carolina Department of Highways and Public Transportation following a non-conviction disposition of the case and whether such transmission would be in violation of [Section 17-1-40, Code of Laws of South Carolina \(1976\)](#), which provides for the destruction of criminal records following discharge, dismissal or a finding of not guilty on the crime charged.

[Section 17-1-40](#) is directed to an individual's records which might be retained by a law enforcement agency following the disposal of the case by a means other than conviction. Since this section is directed to law enforcement agencies only, it would not prohibit the transmission of 'yellow copies' or the retention of them by the South Carolina Highway Department since this department is not a law enforcement agency, and therefore would not relieve the duty imposed by Section 56-7-20 of forwarding yellow copies of tickets to the Department.

I trust the preceding discussion adequately answers your question, and if we may be of further assistance to you, please do not hesitate to contact us.

With warm regards, I am
Very truly yours,

Richard P. Wilson
Assistant Attorney General

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