

# OFFICE OF THE ATTORNEY GENERAL

85-00121



CHARLES A. GRADDICK  
ATTORNEY GENERAL  
STATE OF ALABAMA

ADMINISTRATIVE BUILDING  
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CHIEF ASSISTANT ATTORNEY GENERAL

JANIE NOBLES  
EXECUTIVE ASSISTANT

DEC 10 1984

Honorable Edwin L. Booker  
Sheriff, Conecuh County  
P. O. Box 228  
Evergreen, Alabama 36401

Sheriffs - Public Records -  
Records Retention

Discussion of the procedure to  
be followed by sheriff for the  
disposition of old records from  
that office.

Dear Sheriff Booker:

You have requested an opinion from this office which  
reads as follows:

"We are experiencing a problem deter-  
mining the length of time official  
records must be maintained by this  
office.

If your office would be so kind as to  
provide us with an opinion on the  
following documents, it will be  
greatly appreciated.

1. Commitment cards and release cards
2. Radio logs
3. Food bills (copies of bills sub-  
mitted to the state)
4. Requisitions for sheriff's dept.  
and jail
5. Claims

Honorable Edwin L. Booker  
Sheriff, Conecuh County  
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6. Papers services (small claims,  
subpoenas, executions, etc.)
7. Arrest warrants"

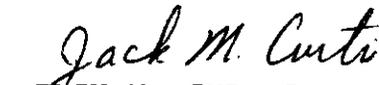
In answer to your question, the above records to which you refer in your letter are public records as defined by the Code of Alabama 1975, Section 41-13-1. Alabama law does not specify a certain length of time that these records are to be kept. Informal Opinions of the Attorney General, No. 81-600.

Prior to the disposal of such records, you must obtain the approval of the County Records Commission. Informal Opinions of the Attorney General, No. 81-600 (copy enclosed). The Director of the Alabama Department of Archives and History is a member of that Commission and should be able to tell you the proper procedure to follow in obtaining a determination from the County Records Commission as to the disposition of such records. Informal Opinions of the Attorney General, No. 81-600.

I hope I have satisfactorily answered your inquiry with regard to this matter.

Sincerely,

CHARLES A. GRADDICK  
Attorney General  
By:

  
JACK M. CURTIS  
Assistant Attorney General

JMC/dn

# OFFICE OF THE ATTORNEY GENERAL



**CHARLES A. GRADDICK**  
ATTORNEY GENERAL  
STATE OF ALABAMA

SEP 24 1981

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ADMINISTRATIVE BUILDING  
64 NORTH UNION STREET  
MONTGOMERY, ALABAMA 36130  
AREA (205) 834-5150

Honorable Thomas H. Benton  
Sheriff, Baldwin County  
Bay Minette, Alabama 36507

Sheriffs - Public Records  
Retention of Public Records

Discussion of the procedure  
to be followed by sheriff  
for the disposition of old  
records from that office.

Dear Sheriff Benton:

Acknowledgement is made of your request for an opinion from the Attorney General regarding the disposition of records of the Baldwin County Sheriff's Department. You posed the following questions:

"Under existing State Laws what is the legal length of time that a Sheriff's Office must maintain and preserve Civil dockets, Writ dockets, Civil Execution dockets and Writ Control dockets after a State Audit is completed?"

"If they can be disposed of, is it required that they be destroyed or may they be donated to a College or Historical Library for historical value?"

Honorable Thomas H. Benton  
Sheriff, Baldwin County  
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In answer to your first question, the records to which you referred in your request are public records as defined in Code of Alabama 1975, Section 41-13-1. Alabama law does not specify a certain length of time that these records are to be kept. Code of Alabama 1975, Section 41-13-5 discusses the destruction or disposition of county records and states:

"Any public records, books, papers, newspapers, files, printed books, manuscripts or other public records which have no significance, importance or value may, upon the advice and recommendation of the custodian thereof and upon the further advice, recommendation and consent of the state or county records commission be destroyed or otherwise disposed of. The state and county records commissions are hereby authorized and empowered to make such orders, rules, and regulations as may be necessary or proper to carry the provisions of this section into effect."

Further providing for the destruction of records by the County Records Commission, Code of Alabama 1975, Section 41-13-23 provides:

"The county records commission shall be charged with the responsibility of determining which county records shall be permanently preserved because of historical value and which county records may be destroyed or otherwise disposed of after they have been microfilmed. The commission may classify the different types of records accordingly.

No county official shall cause any county record to be destroyed or otherwise disposed of without first obtaining the approval of the county records commission."

Therefore, you, as Sheriff, must obtain the approval of the County Records Commission in order to dispose of the records in question. The Director of the Alabama Department of Archives and History is a member of that Commission and

Honorable Thomas H. Benton  
Sheriff, Baldwin County  
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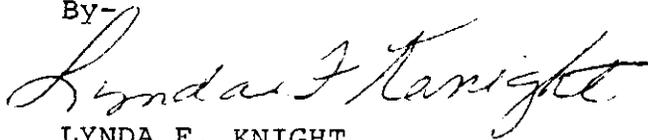
should be able to tell you the proper procedure to follow in obtaining a determination from the County Records Commission as to the disposing of these records.

If our office may be of further assistance, please do not hesitate to contact us.

Sincerely,

CHARLES A. GRADDICK  
Attorney General

By-

A handwritten signature in cursive script that reads "Lynda F. Knight". The signature is written in dark ink and is positioned to the right of the typed name.

LYNDA F. KNIGHT  
Assistant Attorney General

LFK/sed