CHAPTER 9

Delivery of Books, Records and Money to Successor

**SECTION 8‑9‑10.** Delivery by officer of books and papers to successor.

 A person removed from office or whose elected or appointed term expires shall deliver on demand to his successor all the books and papers in his custody as officer or in any way appertaining to his office. A person who violates this provision is guilty of a misdemeanor and, upon conviction, must be fined in the discretion of the court or imprisoned not more than one year, or both.

HISTORY: 1962 Code Section 50‑201; 1952 Code Section 50‑201; 1942 Code Section 837; 1932 Code Section 837; Civ. P. '22 Section 785; Civ. P. '12 Section 472; Civ. P. '02 Section 434; 1870 (14) 453; 1993 Act No. 184, Section 144, eff January 1, 1994.

Effect of Amendment

The 1993 amendment rewrote this section, adding at the end "and, upon conviction, must be fined in the discretion of the court or imprisoned not more than one year, or both."

**SECTION 8‑9‑20.** Successor may demand books and records from any person having possession of them.

 If any person appointed or elected to any office shall die or his office shall in any way become vacant and any books or papers belonging or appertaining to such office shall come to the hands of any person, the successor to such office may, in like manner as prescribed in Section 15‑63‑130, demand such books or papers from the person having them in his possession. And if such books or papers are withheld an order may be obtained and the person charged may, in like manner as provided in Section 15‑63‑140, make oath of the delivery of all such books and papers that ever came to his possession and, in case of omission to make such oath and to deliver up the books and papers so demanded, such person may be committed to jail and a search warrant may be issued and the property seized by virtue thereof may be delivered to the complainant, as prescribed in Section 15‑63‑140.

HISTORY: 1962 Code Section 50‑202; 1952 Code Section 50‑202; 1942 Code Section 837; 1932 Code Section 837; Civ. P. '22 Section 785; Civ. P. '12 Section 472; Civ. P. '02 Section 434; 1870 (14) 453.

**SECTION 8‑9‑30.** Delivery by officer of moneys on hand to successor.

 Every State or county officer entrusted with funds by virtue of his office upon retiring from office shall turn over to his successor all moneys received by him as such officer and remaining in his hands as such officer, within thirty days from the time when his successor shall have entered upon the duties of his office, in the same manner as he is required by law to turn over the furniture, books and papers. The successor shall receive and be responsible for the moneys so turned over to him in the same manner as he is liable for other moneys received by him officially. Any public officer neglecting or refusing obedience to the requisition herein contained shall be guilty of a misdemeanor and, upon conviction, shall be liable to a fine of one thousand dollars and imprisonment not exceeding twelve months, besides his liability on his official bond, at the suit of any person aggrieved by such neglect.

HISTORY: 1962 Code Section 50‑203; 1952 Code Section 50‑203; 1942 Code Sections 1524, 3069; 1932 Code Sections 1524, 3069; Civ. C. '22 Section 756; Cr. C. '22 Section 471; Civ. C. '12 Section 674; Cr. C. '12 Section 544; Civ. C. '02 Section 605; Cr. C. '02 Section 387; G. S. 457, 779; R. S. 304, 523; 1874 (15) 674; 1885 (19) 158; 1904 (24) 375.

**SECTION 8‑9‑40.** Representative of deceased officer shall deliver moneys to successor.

 Upon the death of any State or county officer entrusted with funds by virtue of his office, his personal representative shall pay over to the successor of such deceased officer all moneys which such deceased officer had in his hands officially at the time of his death within two months after he shall have assumed the administration of such estate. Upon his neglect or failure to do so, without good cause, the estate of such deceased officer and the sureties on his official bond shall be liable to pay to such successor the amount due, with interest at the rate of five per cent per month thereon, after the expiration of such term of two months, to be recovered by action brought by such successor for the benefit of the parties entitled to receive such money.

HISTORY: 1962 Code Section 50‑204; 1952 Code Section 50‑204; 1942 Code Section 3069; 1932 Code Section 3069; Civ. C. '22 Section 756; Civ. C. '12 Section 674; Civ. C. '02 Section 605; G. S. 457; R. S. 523; 1874 (15) 674; 1885 (19) 158; 1904 (24) 375.