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The State of South Carolina



Office of the Attorney General

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October 30, 1985

The Honorable Beverly Queen
Deputy Coroner, Cherokee County
Cherokee County Courthouse
Gaffney, South Carolina 29340

Dear Coroner Queen:

In a letter to this Office you questioned the period of time a death falls under the jurisdiction of a coroner. In our telephone conversation you indicated that you were referencing a situation such as where there is an automobile accident and the death of an individual involved results several weeks later while such individual is under a physician's care.

Section 17-7-20 of the Code states:

(w) whenever a body is found dead and an investigation or inquest is deemed advisable the coroner or the magistrate acting as coroner, as the case may be, shall go to the body and examine the witnesses most likely to be able to explain the cause of death, take their testimony in writing and decide for himself whether there ought to be a trial or whether blame probably attaches to any living person for the death, and if so and if he shall receive the written request, if any, required by § 17-7-50, he shall proceed to summon a jury and hold a formal inquest as required by law. But if there be, in his judgment, no apparent or probable blame against living persons as to the death he shall issue a burial permit and all further inquiry or formal inquest shall be dispensed with.

REQUEST LETTER

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A previous opinion of this Office dated October 20, 1961, by former Attorney General McLeod was concerned with the question of whether an inquest was necessary in circumstances where an individual was injured in an automobile accident but died two weeks later. According to the physician's report, the death of such individual was a result of injuries from the accident. The 1961 opinion particularly referenced that portion of the above-referenced statute which states that if in the coroner's judgment "... there be ... no apparent or probable blame against living persons as to the death he shall issue a burial permit and all further inquiry or formal inquest shall be dispensed with." Referencing such provision, the opinion stated that whether or not an inquest was necessary was a matter within the discretion of the coroner. While the opinion indicated that the matter of whether or not an inquest is held in such circumstances was within the discretion of the coroner, the opinion impliedly recognized that such a case still fell under the coroner's jurisdiction even though the death occurred days after an accident injuring the individual.

Such opinion is consistent with a regulation of the State Department of Health and Environmental Control. Regulation 61-19, Section 18 (d) & (e) states that as to death registrations,

(w)hen death occurs more than ten (10) days after the decedent was last treated by a physician, or if the cause of death appears to be other than the illness or condition for which the deceased was being treated or if inquiry is required by Title 17 of the Code of Laws of South Carolina, 1962, as amended [1976 Code, Title 17, as amended], the case shall be referred to the medical examiner or coroner for investigation to determine and certify the cause of death. (emphasis added)

(w)hen inquiry is required by Title 17 of the Code of Laws of South Carolina, 1962, as amended [1976 Code, Title 17, as amended], the medical examiner or coroner shall determine the cause of death and shall complete and sign the medical certification within forty-eight (48) hours after taking charge of the case.

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Other statutes also expressly recognize the authority of a coroner in situations where an investigation or inquiry should be made as to manner and circumstances of a death. The coroner's role in investigating deaths is emphasized by the provisions of Section 17-7-510 of the Code which states:

(i)f any person shall bury or cause to be buried the dead body of a person supposed to have come to a violent death before notice to the coroner to examine the body and before inquiry is made into the manner and circumstances of the death, such person shall be liable to indictment therefor

Also, Section 40-19-190 (A) of the Code states:

(n)o person licensed as a funeral director or embalmer shall remove or embalm a dead human body when he has information indicating crime or violence of any sort in connection with the cause of death until permission of the coroner or medical examiner or some other duly qualified person acting in this capacity has first been obtained.

Referencing the above provisions and the previously issued opinion of this Office noted above, it appears that the length of time between an incident and the death of an individual which results from such an incident is of no effect on the jurisdiction of a coroner as to any circumstances where typically the coroner would be involved as required by Title 17 of the Code. If there are any questions, please advise.

Sincerely,



Charles H. Richardson
Assistant Attorney General

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REVIEWED AND APPROVED BY:



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