



ALAN WILSON  
ATTORNEY GENERAL

May 3, 2016

The Honorable Danny B. Verdin  
Senator, District 9  
Post Office Box 142  
Columbia, South Carolina 29202

Dear Senator Verdin:

You have requested the opinion of this Office regarding S.C. Code Ann. § 17-5-130 (2014 & Supp. 2015) which relates to the qualifications that must be met to serve as coroner. In part, such section requires that a candidate for coroner must have obtained certain levels of education combined with varying degrees of experience in the field.

Specifically, your questions relate to S.C. Code Ann. § 17-5-130(A)(2)(e) (2014), stating that

[i]n addition to the requirements of subsection (A)(1), a coroner in this State shall have at least one of the following qualifications, the person shall:

...

(e) have completed a recognized forensic science degree or certification program or be enrolled in a recognized forensic science degree or certification program to be completed within one year of being elected to the office of coroner.

Completion of a recognized forensic science degree or certification program or enrollment and completion of the same within one year of being elected as coroner is one of seven ways that a candidate for coroner can satisfy the qualification requirements enumerated in S.C. Code Ann. § 17-5-130(A)(2) (2014).<sup>1</sup>

Section 17-5-130(B)(3) (2014) also provides for the filing of an affidavit by candidates seeking nomination for the position of coroner by petition. The information that the affidavit

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<sup>1</sup> In full, S.C. Code Ann. § 17-5-130(A)(2) (2014) states that “[i]n addition to the requirements of subsection (A)(1), a coroner in this State shall have at least one of the following qualifications, the person shall: “(a) have at least three years of experience in death investigation with a law enforcement agency, coroner, or medical examiner agency; (b) have a two-year associate degree and two years of experience in death investigation with a law enforcement agency, coroner, or medical examiner agency; (c) have a four-year baccalaureate degree and one year of experience in death investigation with a law enforcement agency, coroner, or medical examiner agency; (d) be a law enforcement officer, as defined by Section 23-23-10(E)(1), who is certified by the South Carolina Law Enforcement Training Council with a minimum of two years of experience; (e) have completed a recognized forensic science degree or certification program or be enrolled in a recognized forensic science degree or certification program to be completed within one year of being elected to the office of coroner; (f) be a medical doctor; or (g) have a bachelor of science degree in nursing.”

must contain includes “the date the person completed a recognized forensic science degree or certification program, or information regarding the person’s enrollment in a recognized forensic science degree or certification program, if applicable.” S.C. Code Ann. § 17-5-130(B)(4)(h) (2014).

In light of these statutory requirements, you provide that “a candidate, attempting to participate in his party’s primary for nomination (having paid his filing fee), states that his ability to matriculate in a program described in [Section 17-5-130(A)(2)](e). . . is limited and he is incapable of fulfilling the obligations described therein.” Thus, you ask: “[i]s there a waiver of (e) for a candidate unable to meet the timeframe requirements if limited by the matriculation opportunities offered by the institution from which he seeks the credentials?” And, secondly, “[i]s there a burden on the potential candidate to seek out other options regarding the same educational opportunities? If so, how far does that burden extend, i.e., how many institutions approached, how far removed [from] his home, etc.?”

#### Law / Analysis

To determine whether there is a waiver to the time requirements set forth in S.C. Code Ann. § 17-5-130(A)(2)(e) (2014), it is necessary to look to the statute’s legislative intent. Hodges v. Rainey, 341 S.C. 79, 85, 533 S.E.2d 578, 581 (2000) (“The cardinal rule of statutory construction is to ascertain and effectuate the intent of the legislature”). “What a legislature says in the text of a statute is considered the best evidence of the legislative intent or will” and “courts are bound to give effect to the expressed intent of the legislature.” Id. (quoting Norman J. Singer, Sutherland Statutory Construction § 46.03, at 94 (5th ed. 1992)).

Essential to answering this question, it is also important to understand that “[i]n construing a statute, a court cannot read into the statute something not within the manifest intention of the legislature as gathered from the statute itself.” State v. Zulfer, 345 S.C. 258, 261-62, 547 S.E.2d 885, 886 (Ct. App. 2001) (citing Laird v. Nationwide Ins. Co., 243 S.C. 388, 134 S.E.2d 206 (1964)). If a statute’s language is plain and unambiguous and conveys a clear and definite meaning, there is no occasion for employing the rules of statutory interpretation and the court has no right to look for or impose another meaning. Strother v. Lexington County Recreation Comm’n, 332 S.C. 54, 62, 504 S.E.2d 117, 121-22 (1998) (citing City of Columbia v. ACLU of S.C., Inc., 323 S.C. 384, 475 S.E.2d 747 (1996)).

Understanding these rules of statutory construction, if a candidate for coroner chooses to obtain “a recognized forensic science degree or certification program or be enrolled in a recognized forensic scientific degree or certification program to be completed within one year of being elected to the office of coroner” as the manner in which he or she will satisfy the requirements of Section 17-5-130(A)(2), we do not believe a waiver exists to the time limitation for completion of the degree or certification program. This is because the Legislature has expressly identified, within the plain language of the statute, the seven different ways in which a coroner can satisfy the requirements of Section 17-5-130(A)(2) (see supra note 1). In interpreting these qualifications, this Office, like a court, is not permitted to add to or make exemptions to such requirements. As the South Carolina Supreme Court explained well in Creech v. S.C. Pub. Serv. Auth., doing so would be to legislate and not to interpret. Creech v.

S.C. Pub. Serv. Auth., 200 S.C. 127, 20 S.E.2d 645, 652 (1942), *superseded by statute on other grounds*, 311 S.C. 417, 429 S.E.2d 802 (1993). Specifically, in Creech, the Court provided as follows:

[i]t is perhaps unnecessary to say that courts have no legislative powers, and in the interpretation and construction of statutes their sole function is to determine, and within the constitutional limits of the legislative power to give effect to, the intention of the Legislature. They cannot read into a statute something that is not within the manifest intention of the Legislature as gathered from the statute itself. To depart from the meaning expressed by the words is to alter the statute, to legislate and not to interpret. The responsibility for the justice or wisdom of legislation rests with the Legislature, and it is the province of the courts to construe, not to make, the laws.

Id. at 652.

Thus, relying on the plain language of Section 17-5-130, it is our opinion that a court would find compliance with one of the prescribed qualifications of Section (A)(2) is a prerequisite to becoming coroner. In the instance of completing a forensic science degree or certification program, the legislature permits that one can be enrolled in such a program at the time he or she is elected as coroner if the program is completed within one year of being elected. S.C. Code Ann. § 17-5-130(A)(2)(e). As the statute is clear and unambiguous, and no exemption or waiver to Subsection (A)(2)(e) is identified, like a court we cannot read into a statute something that is not within the manifest intention of the Legislature as gathered from the statute itself. We therefore believe that a candidate for the office of coroner must meet at least one of the qualifications listed in Subsection (A)(2). If he or she relies on Subsection (A)(2)(e) to meet this qualification and has not completed the degree or certification at the time he or she is elected, no waiver or exemption to the requirement that the recognized forensic science degree or certification be completed within one year of being elected is permitted as no exemption or waiver is listed within the statute.<sup>2</sup>

In regards to your second question – is there a burden on the potential candidate to seek out other options regarding the same educational opportunities[, and i]f so, how far does that burden extend, i.e., how many institutions approached, how far removed from his home, etc. – we believe the plain language of the statute does not place a “burden” on any candidate for coroner to adhere to the qualifications listed within S.C. Code Ann. § 17-5-130(A)(2)(e). Again, this qualification is merely one of the seven options available to meet the qualification requirements for the office of coroner listed in Section 17-5-130(A)(2).

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<sup>2</sup> Within the same statute, the legislature identified an instance where a “waiver” would apply if a coroner failed to meet the requirements of the annual in-service training as required by S.C. Code Ann. § 17-5-130(D) (2014). Specifically S.C. Code Ann. § 17-5-130(E)(2) (2014) provides that “[t]he Board of Directors of the South Carolina Coroners Association, in its discretion, may grant a waiver of the requirements of the annual in-service training upon presentation of evidence by a coroner that he was unable to complete the training due to an emergency or extenuating circumstances.” We believe this provision provides a clear example of an instance in which the Legislature intended for a waiver to be permitted. Similar language is simply absent from the qualifications for coroner listed in S.C. Code Ann. § 17-5-130(A)(2)(e) (2014).

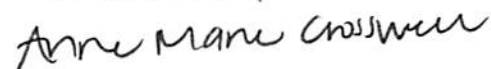
If a candidate for coroner does rests his certification requirements on this provision, the only additional requirement from completion, or completion within one year from the date he or she is elected as coroner, is that the "forensic science degree or certification program" be "recognized." S.C. Code Ann. § 17-5-130(A)(2)(e) (2014). S.C. Code Ann. § 17-5-130(G) (2014) provides that the Coroners Training Advisory Committee must "determine those forensic science degree and certification programs that qualify as 'recognized' pursuant to the requirements of this section." Therefore, the plain language of the statute makes clear that a candidate for coroner's completion of a forensic science degree or certification program or enrollment therein for completion within one year of being elected to the office of coroner, must only be from a "recognized" program.

To state that a candidate must pursue this particular type of degree or certification would again require us to read something into the statute that is not manifested in the intent of the Legislature, as identified by the plain language of the statute itself. Accordingly, we do not believe that any of the "burdens" you listed in the second question of your letter would apply to a candidate for coroner; he or she only has to meet one of the qualifications listed in Section 17-5-130(A)(2) and, if he or she chooses to complete a recognized forensic science degree or certification program pursuant to Section 17-5-130(A)(2)(e), all that is required is that the program be recognized by the Coroners Training Advisory Committee and completion must be within one year from being elected as coroner.

### Conclusion


Based on the plain and unambiguous language of S.C. Code Ann. § 17-5-130(A)(2)(e) (2014), we do not believe a waiver exists to the time limitation for completion of a recognized forensic science degree or certification program should a candidate for coroner choose to use this qualification to meet the requirements of Section 17-5-130(A)(2). In addition, we do not believe the plain language of Section 17-5-130(A)(2)(e) places a "burden" on any candidate for coroner to adhere to the qualifications listed within such Subsection. Again, this qualification is only one of the seven options available to meet the qualification requirements for the office of coroner listed in Section 17-5-130(A)(2).

Very truly yours,



Anne Marie Crosswell  
Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook  
Solicitor General