



HENRY McMASTER  
ATTORNEY GENERAL

November 9, 2010

The Honorable Gary Watts  
Coroner, Richland County  
P. O. Box 192  
Columbia, South Carolina 29202

Dear Coroner Watts:

In a letter to this office you referenced S.C. Code Ann. § 17-5-570 which states:

(A) [a]fter the post-mortem examination, autopsy, or inquest has been completed, the dead body must be released to the person lawfully entitled to it for burial. If no person claims the body, the coroner or medical examiner must notify the board created pursuant to Section 44-43-510. If the board does not accept the body, the body must be turned over to the coroner of the county where death occurred for disposition as provided by law. If the deceased has an estate out of which burial expenses can be paid either in whole or in part, the estate must be taken for that purpose before an expense under this section is imposed upon a county.

(B) If the body cannot be identified through reasonable efforts, the coroner must forward the body to the Medical University of South Carolina or other suitable facility for preservation. If the body remains unidentified thirty days after the coroner forwarded the body, the Medical University of South Carolina or other facility preserving the body must immediately notify the State Law Enforcement Division (SLED). If the body has not been identified within thirty days after SLED has entered the unidentified person's DNA profile into the Combined DNA Indexing System pursuant to Section 23-3-635, the Medical University may retain possession of the body for its use and benefit or return the body to the coroner of the county where death occurred for disposition as provided by law. A facility other than the Medical University utilized by the coroner for storage of an unidentified body may dispose of

the body as provided by law or return the body to the coroner of the county where death occurred for disposition.

(C) If an unidentified body is preserved at the Medical University, the county is responsible for transporting the body to and from the Medical University; however, the county is not responsible for the cost of preserving the body at the Medical University. If an unidentified body is preserved at the Medical University, the Medical University must absorb the cost of preserving the body for not less than thirty days.

As to such statute, you have stated as follows:

...if a body is unclaimed, it is turned over to the coroner of the county for disposition and said county pays the expenses for such disposition. I am requesting an opinion as to whether the coroner of the county can release the remains to be buried in another county or must the burial be done in the county cemetery within the county that paid the expenses.

A prior opinion of this office dated June 25, 2001 stated that as to the question of whether a county can legally appropriate money for funeral expenses of indigent deceased persons when the family of the deceased will not pay the expenses, it was concluded that

[c]ounty governments are authorized to appropriate and expend public funds for services and property which serve a public purpose. S.C. Code Ann. §4-9-30. The disposal of the bodies of indigent individuals is clearly such a public purpose. In fact, this Office has previously opined that "the General Assembly has recognized the responsibility of disposing of [such] bodies at public expense." See Op. Atty. Gen. dated September 28, 1995. The method chosen by the county for disposal, i.e. cremation or burial, does not alter the public purpose of the expenditure. Therefore, it is my opinion that, the Sumter County Council can give the families/funeral homes an alternative by accepting \$300 from the county towards the burial of [an indigent] loved one.

Referencing the above, there does not appear to be an absolute answer to your question as set forth. In the absence of any statutory prohibition, in the opinion of this office, if a body is unclaimed and it is turned over to the coroner of the county for disposition with the county paying the expenses for such disposition, the coroner of the county can release the remains to be buried in another county. However, to avoid any ambiguity, legislative clarification should be sought which would deal specifically with such situation.

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With kind regards, I am,

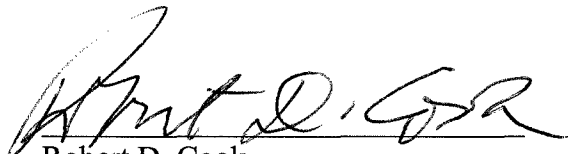
Very truly yours,

Henry McMaster  
Attorney General

A handwritten signature in cursive script, appearing to read "Charles H. Richardson".

By: Charles H. Richardson  
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:

A handwritten signature in cursive script, appearing to read "Robert D. Cook".

Robert D. Cook  
Deputy Attorney General