

1983 WL 181909 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 8, 1983

***1 SUBJECT: Coroners, Dead Bodies**

(1) [South Carolina Code Section 17-5-260](#) does not apply to counties without a Medical Examiner.

(2) A County Coroner is not mandated to perform autopsies in all homicide and suicide cases. A County Coroner must perform an autopsy on any individual who dies while incarcerated in a prison, jail, or lockup located in the county.

The Honorable Sue R. Townsend
Coroner of Aiken County

QUESTIONS:

(1) Is [Section 17-5-260](#) applicable to the Coroner of Aiken County?

(2) Does South Carolina law mandate an autopsy in all homicide and suicide cases?

OPINION:

You have asked this Office for an Opinion on the applicability of [South Carolina Code Section 17-5-260](#), CODE OF LAWS OF SOUTH CAROLINA, 1976, as amended, to the Coroner of Aiken County. You note that Aiken County, with a population of less than 240,000, does not have a County Medical Examiner.

[South Carolina Code Section 17-5-260](#) ('Duty to Notify Medical Examiner of Certain Deaths and Stillbirths; Inquiry and Findings of Medical Examiner') requires the County Medical Examiner to 'make immediate inquiry into the cause and manner of death' in certain deaths. This statute applies only to the County Medical Examiner as defined in [South Carolina Code Section 17-5-210\(6\)](#). There is no mention in [Section 17-5-260](#) of the County Coroner. Moreover, [South Carolina Code Section 17-5-220](#) mandates a County Medical Examiner Commission only in those counties with a population over 240,000. There is no provision for a County Medical Examiner in counties of less than 240,000. It is the opinion of this Office that [South Carolina Code Section 17-5-260](#) applies only to those counties with a Medical Examiner, and has no applicability to Aiken County. Similarly, see 1978 Op. Att'y. Gen. No. 78-157, page 189, concluding that [South Carolina Code Section 17-5-300\(A\)](#) is inapplicable to those counties without a Medical Examiner.

You have also inquired whether any South Carolina statute requires the County Coroner to perform an autopsy in all suspected homicide and suicide cases. 'Autopsy' is defined in [South Carolina Code Section 17-5-210\(4\)](#); 'post-mortem examination' is defined in [South Carolina Code Section 17-5-210\(3\)](#). There is no South Carolina statute which mandates an autopsy in all homicide and suicide cases.

The prime responsibility of the Coroner is to determine the cause of an individual's death. [South Carolina Code Sections 17-7-10; 17-7-20; 17-5-510](#); 1978 Op. Att'y. Gen. No. 78-102, page 131. Similarly, Section 18(A)(2)(B) of Rule 61-19 of the Rules and Regulations of the South Carolina Department of Health and Environmental Control requires the Medical Examiner or Coroner to determine cause of death when (1) death occurs more than ten days after decedent was last treated by a physician, (2) if the

cause of death appears to be other than an illness or disease for which deceased has been treated or (3) if mandated by law. With one exception, these statutes are silent on how cause of death should be determined, and whether autopsies are mandated.

*2 In the normal course, it would appear that a decision whether to perform an autopsy is left to the Coroner's professional judgment. It is significant that [Section 17-7-10](#) provides, in pertinent part, an option:

The Coroner of the county in which a body is found dead or the Solicitor of the Judicial Circuit in which such county lies shall order an autopsy or post-mortem examination to be conducted to ascertain the cause of death. (emphasis added)

This statute presumes that the Coroner will exercise appropriate professional judgment in ascertaining cause of death. In some cases, an autopsy will be necessary; in other cases, a post-mortem examination may suffice.

There is one occasion where an autopsy is mandated. [Section 17-7-10](#) provides in pertinent part:

If any person dies while incarcerated in any municipal or county overnight-lockup, or jail, county prison or state correctional facility, the Coroner of the county in which such institution is located shall order an autopsy immediately upon notification by that institution. (emphasis added)

Therefore, an autopsy is mandated when an incarcerated individual dies in any municipal or county overnight-lockup, jail or county or state correction facility located in Aiken County.

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