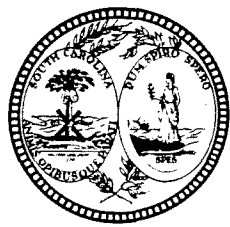


4966 / 05-5661



The State of South Carolina  
OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON  
ATTORNEY GENERAL

June 21, 1995

The Honorable Karl E. Addis  
Oconee County Coroner  
P. O. Box 771  
Walhalla, South Carolina 29691

Re: Informal Opinion

Dear Coroner Addis:

You have sought advice regarding the responsibility for costs for transportation of a body from the death scene to the local hospital morgue for autopsy or medical examination. Citing S.C. Code Ann. Sec. 17-7-15 (providing that the county is responsible for the return transportation of the body to the next of kin of the deceased if residing in the state following an autopsy or medical examination), you state:

[m]y question relates to the transportation of the body from the place of death to a local medical facility where such examination shall take place. In the past, my office has paid for ambulance transportation to the local hospital morgue. The ambulance service is a private hospital based system, however the hospital does receive county funds in the amount of \$125,000 to off set the emergency medical service (ambulance) operations.

Is the county, particularly the Coroner's Office, responsible for payment of transportation costs from the death scene to the local medical facility, when an autopsy, examination, or sheltering of the human body is ordered? Is the family or estate of the deceased responsible for costs incurred?

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S.C. Code Ann. Sec. 17-7-10 provides:

[t]he 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.

Section 17-7-15 further states:

[w]hensoever any county, state or municipal law enforcement agency transports a human body to a medical facility for autopsy or other medical examination to determine the cause of death, the law enforcement agency which ordered such medical examination shall provide for the return transportation of the body to the next of kin of the deceased if they reside within the State. The provisions of this section shall also apply to coroners and solicitors.

This Office has previously concluded that "a decision whether to perform an autopsy is left to the coroner's professional judgment." Op. Atty. Gen., June 8, 1983. We further have noted that the "prime responsibility of the Coroner is to determine the cause of an individual's death." Id. In addition, we have noted that a coroner has the legal right to order an autopsy even without the consent of the family of the deceased. See. Op. Atty. Gen., September 30, 1970. Moreover, we have further advised coroners that where the coroner has determined that a death was due to natural causes

... based upon the findings of a physician or other competent authority, ... [the coroner] would not be authorized to order an autopsy at the county's expense merely upon the request of the family of the deceased. (emphasis added).

Op. Atty. Gen., September 20, 1965.

The following has been written regarding autopsies generally:

[An] [a]utopsy has been said to be an integral part of the inquest. The right to order the making of an autopsy is incident to the coroner's official duty, and he may, subject to statutory limitations, so order when in his judgment it is the appropriate means of ascertaining the cause of a person's

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death, as where he suspects that the death was the result of a criminal or violent conduct or if the cause of death is obscure.

18 C.J.S., Coroners, § 16. Moreover, it has been concluded that

[u]nless otherwise provided by statute, the county, and not the estate of the deceased, is liable for the lawful costs and expenses of a coroner's inquest, including the fees of the coroner, constable, jurors and witnesses. (emphasis added).

18 C.J.S., Coroners, *supra*, § 24.

The case of Houts v. Prussings Admor., 14 S.W. 766 (Mo. 1890) provides additional guidance. There, the costs for holding an inquest which was conducted on the directive of the coroner and not upon the family of the deceased's request, were assessed against the estate of the deceased. The Court concluded that such assessment was not proper. Upon review of the various statutes making the county liable for the fees allowed the coroner, jurors, witnesses and the constable in all inquests where the coroner has reasonable cause that the death was by violent means, the Court stated:

[i]n all such cases, these fees constitute no charge whatever against the estate. The object of the coroner's inquest is to ascertain whether the person died by felony or accident; and, if by felony, to discover the guilty person or persons. The inquest is a proceeding judicial in character, and is one step taken in the enforcement of the criminal laws of the land. The widow, heirs, creditors of the estate, and all other persons, have an equal interest in enforcing such laws. It is unreasonable to suppose that the legislature ever intended to impose upon the estate of a deceased person the burden of paying the costs and fees arising on such an inquest.

14 S.W. at 767.

While this case dealt with an inquest, rather than an autopsy, it has already been seen that an autopsy is an integral part of such process. Likewise, transportation to the medical facility for an autopsy or medical examination would constitute a part of this same process. The fact that § 17-7-15 specifically provides that the law enforcement agency, coroner or solicitor ordering an autopsy or medical examination to determine cause of death "shall provide for the return transportation of the body to the next of kin"

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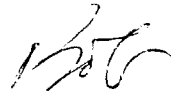
does not, in my view, imply that other costs which are part of the autopsy are not borne by the county. Indeed, the case of Moses v. Sumter County, 55 S.C. 502, (1899) concludes that the county is responsible for the costs of the preliminary investigation to be conducted by the coroner as well as the inquest if deemed necessary.

Thus, it is my opinion that the county would be responsible for the costs of transporting the body from the death scene to the medical facility for autopsy or medical examination.<sup>1</sup>

This letter is an informal opinion only. It has been written by a designated Assistant Deputy Attorney General and represents the position of the undersigned attorney as to the specific questions asked. It has not, however, been personally scrutinized by the Attorney General nor officially published in the manner of a formal opinion.

With kind regards, I am

Very truly yours,



Robert D. Cook  
Assistant Deputy Attorney General

RDC/an

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<sup>1</sup> Of course, I do not comment upon the county's particular manner of payment of such costs. Any arrangement for the offset of funds or the particular agency through which such funds are paid is a matter for the county to determine. My response is limited to the question of the county's responsibility for the costs of the transportation as described.