

Library 4664

The State of South Carolina



Office of the Attorney General

T. TRAVIS MEDLOCK
ATTORNEY GENERAL

REMBERT C. DENNIS BUILDING
POST OFFICE BOX 11549
COLUMBIA, S.C. 29211
TELEPHONE: 803-734-3970
FACSIMILE: 803-253-6283

September 11, 1991

The Honorable Dave C. Waldrop, Jr.
Member, House of Representatives
Box 813
Newberry, South Carolina 29108

Dear Representative Waldrop:

In a letter to this Office you questioned whether there are any requirements to designate a minimum amount of office space for the use of the county coroner in the county courthouse. The only statute with which I am familiar dealing with office space for a coroner is Section 17-5-60 of the Code which states "(t)he coroner shall keep an office at the courthouse in his county which shall have proper fixtures and in which he shall keep his book of inquisitions." As set forth, such provision does not specify any minimum amount of space which must be provided a coroner in the courthouse but merely provides that an office will be provided. Therefore, while a county is required to provide a coroner space in the courthouse, there are no absolute requirements as to the size of the office that must be provided.

You also questioned the duty of a coroner to remove all medication belonging to a deceased individual from the deceased's residence. You further questioned the coroner's responsibilities in terms of transporting, storing and disposing of medications and whether a coroner would incur any criminal liability if stopped by law enforcement while transporting these medications.

I am unaware of any statutes or regulations commenting on a coroner's responsibilities regarding medications of a deceased individual. I am informed that some coroners do

The Honorable Dave C. Waldrop, Jr.

Page 2

September 11, 1991

remove medications in investigating deaths in order that they might have them at hand when determining the cause of death or consulting with a physician. Such an investigation would be consistent with a coroner's duty pursuant to Section 17-7-20 of the Code to determine the cause of death of an individual, See: Opin. of the Atty. Gen. dated March 14, 1990. As to any possible criminal liability in transporting these medications, again I am unaware of any statutory immunity pertaining to coroners in this regard. However, in an opinion of this Office dated October 7, 1976 it was stated

There is nothing in the law of this State that gives to either coroners or police officers authority to direct or supervise the other in ... an investigation. Coroners are empowered by statute to conduct preliminary investigations into violent or unexplained deaths ... and police officers under the common law are empowered to prosecute those found to be criminally responsible.... Both have full authority to investigate, but not to the exclusion of the other. Neither does either have authority to direct the other as to methods of investigation.

The opinion commented further that "... a coroner has authority to gather evidence at the scene of a crime and preserve it for presentation at an inquest or trial."

Therefore, it appears that a coroner would have authority to remove medications belonging to a deceased individual if the coroner determines that access to such would be useful in carrying out an investigation as to the cause of death. It also appears that the coroner would be authorized to transport these medications as evidence which is part of an investigation while carrying out his official duties as coroner.

The Honorable Dave C. Waldrop, Jr.

Page 3

September 11, 1991

If there is anything further, please advise. With
kind regards, I am

Very truly yours,



Charles H. Richardson
Assistant Attorney General

CHR:gmb

REVIEWED AND APPROVED BY:



ROBERT D. COOK

Executive Assistant for Opinions