

The State of South Carolina



Office of the Attorney General

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June 27, 1991

The Honorable Herbert Kirsh
Member, House of Representatives
Box 31
Clover, South Carolina 29710

Dear Representative Kirsh:

In a letter to this Office you questioned whether a coroner may carry a firearm. Pursuant to Section 17-5-110 of the Code

any county coroner, while engaged in official duties of his office, is authorized to carry a pistol or other handgun. He shall be deemed so engaged when going to and returning from the actual performance of such duties, provided, that the named officers be certified and trained by the South Carolina Law Enforcement Division in the proper use of handguns.

You also asked whether a coroner may use a blue light in his vehicle. Section 56-5-4700(c) of the Code provides in part that "... it shall be unlawful for any person to possess any flashing, oscillating or rotating blue light on any vehicle except one used primarily for law enforcement purposes."

Prior opinions of this Office have commented on whether a coroner should be considered to be a law enforcement officer. In an opinion dated August 18, 1971 it was stated

The constitutional office of coroner is quasi-judicial in nature and, although some investigative duties are attached, the duties are closer to the judicial branch than that of the executive (law enforcement).

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In an opinion dated January 10, 1991 it was concluded that a coroner is not included within the definition of a "law enforcement officer" for purposes of Sections 23-23-10 et seq. of the Code, the law enforcement training act. However, the definition for purposes of that act is quite specific in considering who is within the definition of a "law enforcement officer." Other opinions of this Office have referenced that a coroner for certain limited purposes may be considered to possess law enforcement authority. In an opinion dated January 21, 1970 it was stated

The offices of both coroner and sheriff were constitutionally created ... Therefore neither is paramount to the other in areas of activity prescribed to such offices by the General Assembly. Unfortunately, insofar as complete clarity on the question of which officer has superior authority in certain areas of investigation is sought, the duties of sheriff and coroner apparently sometimes parallel each other.


An opinion of this Office dated April 20, 1960 commented that

... at common law the powers and duties of a coroner are both judicial and ministerial. His judicial authority relates to inquiries into cases of certain deaths. In his ministerial capacity, a coroner is merely a substitute for the sheriff.

Inasmuch as a coroner is considered in limited respects to possess certain law enforcement authority, it appears that a coroner in going to and returning from his actual duties as coroner may use a blue light in that vehicle. Of course, this authority should not be construed as granting coroners law enforcement authority generally.

With kind regards, I am

Very truly yours,


Charles H. Richardson
Assistant Attorney General

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REVIEWED AND APPROVED BY:


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