

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

August 31, 1992

James H. Schafer, County Administrator
Darlington County
Room 210 Courthouse
Darlington, South Carolina 29532

Dear Mr. Schafer:

In a letter to this Office you raised several questions relating to coroners.

You first asked whether it is the responsibility of the Darlington County Council to interpret the coroner's responsibilities and direct him to perform in a particular manner. A prior opinion of this Office dated July 13, 1988 stated as to a county with a county-administrator form of government, such as Darlington County,

it is clear that the administrator possesses very limited authority regarding ... (a county officer) ... Section 4-9-650 provides:

With the exception of organizational policies established by the governing body, the county administrator shall exercise no authority over any elected officials of the county whose offices were created either by the Constitution or by the general law of the State.

Additionally, the Council has limited authority regarding personnel in that office. (See Section 4-9-30(7))

Another opinion of this Office dated March 15, 1990 stated "... (t)he Home Rule Act evidences that a county governing body is without authority to alter or modify the duties of

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an elected official when the same are imposed by general law." Such opinions would similarly be applicable to the situation at issue here.

You also asked whether a coroner is required to maintain a presence at the courthouse, keep original files of all coroner records at the county courthouse and maintain a current "Coroner's Book of Inquisitions."

As referenced by you, S.C. Code § 17-5-60 states:

The 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....

S.C. Code § 17-7-330 states:

Every coroner shall keep a book to be called "The Coroner's Book of Inquisitions" into which he shall copy all inquests found within his county, together with evidence taken before the jury and all proceedings had before or after their findings. Such book shall be public property and shall be turned over to his successor in office.

While Section 17-5-60 requires that an office for the coroner be maintained at the courthouse, there are no specific requirements regarding staffing or hours of operation. As to your question regarding whether all original files of coroner records are to be kept at the courthouse, the statutes are silent. The maintenance of certain type records are specified. Pursuant to S.C. Code § 17-7-20 a coroner is required to make a preliminary examination whenever a body is found dead before determining whether to hold a formal inquest. S.C. Code § 17-7-30 provides that "(t)he evidence and the finding of the ... (coroner) ... on such preliminary examination shall be filed in the clerk's office of the county...." Also, following an inquest, pursuant to S.C. Code § 17-7-310 "(t)he original inquisition and evidence, ... (as taken by the coroner) ... shall be returned to the coroner within ten days next after the finding thereof to the clerk of the court of general sessions for the county in which it was found." As specified by S.C. Code § 17-7-330 a coroner is required to keep a book called "The Coroner's Book of Inquisitions." I am enclosing a copy of a prior

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opinion of this Office dated July 19, 1979 which references the requirement that such a book be maintained.

With kind regards, I am

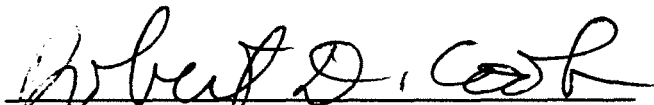
Very truly yours,



Charles H. Richardson
Assistant Attorney General

CHR/an
Enclosure

REVIEWED AND APPROVED BY:



Robert D. Cook
Executive Assistant for Opinions