

1979 WL 43168 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 14, 1979

\*1 John Patrick, Esquire  
Assistant Director  
S. C. Court Administration  
Post Office Box 11788  
Columbia, South Carolina 29211

Dear John:

In a letter to this Office you referenced that [Section 17-7-610, Code of Laws of South Carolina](#), 1976, provides for the issuance of an arrest warrant by a coroner. A form for such warrant is prescribed by [Section 17-7-620, Code of Laws of South Carolina](#), 1976. You stated that such coroner's warrant is not in the form of the warrant approved by the Attorney General pursuant to [Section 17-13-160, Code of Laws of South Carolina](#), 1976. With reference to such, you have asked the following questions:

1. Are the provisions regarding the issuance of arrest warrants by coroners, in lieu of regular judicial officers, i.e., magistrates, still valid?
2. If such provisions are valid, is the use of the form prescribed in [Section 17-7-620](#) permissible?
3. May a coroner issue an arrest warrant on a regular arrest warrant form approved pursuant to [Section 17-13-160](#)?

In response to your first question, in the opinion of this Office [Sections 17-7-610](#) and [17-7-620](#), supra., regarding the issuance of warrants by coroners in lieu of regular judicial officers are still valid. The issuance of such warrants is a response to the finding by the coroner's jury that the death of an individual is the result of wilful killing. Furthermore, in response to your second question, in the opinion of this Office, the use of the form prescribed by [Section 17-7-620](#), supra., remains valid.

As to your third question in which you asked whether a coroner may issue a warrant on the regular arrest warrant form approved by this Office pursuant to [Section 17-13-160](#), supra., inasmuch as the warrant issued by a coroner and the arrest warrant approved by this Office are distinguishable, in the opinion of this Office, it would be improper for a coroner to utilize the standard arrest warrant prescribed by this Office. A warrant issued by a coroner is more analogous to a bench warrant and therefore, should not be construed to be a typical arrest warrant.

If there are any further questions, do not hesitate to contact me.

Sincerely,

Charles H. Richardson  
Assistant Attorney General

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