

1973 WL 26989 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 4, 1973

***1 re: Coroners**

Reverend N. R. Blackwell, Sr.
Coroner
310 W. Boyce Street
Manning, South Carolina

Dear Reverend Blackwell:

You have requested that this Office advise you as to whether a coroner can conduct an inquiry and make a finding of the fact and cause of death; whether the coroner can sign a death certificate; and whether or not it is possible for the coroner to determine the fact and cause of death and issue a death certificate where no body has been found.

Whenever a body is found dead, the coroner in the county in which the body is found may, when it is deemed advisable, conduct an investigation or inquest into the cause of death and may also order an autopsy, or postmortem examination to be conducted to ascertain the cause of death. Section 17-90, 17-91, Code of Laws of South Carolina (1962). It is also evident that when death occurs without medical attendance or when the inquiry is required by the coroner, it shall be the duty of the coroner to investigate the cause of death and complete the medical certification within twenty-four hours after taking charge of the case. Section 9.1, Vol. XVII, Code of Laws of South Carolina, (filed 1973). The medical examiner which is mentioned in Section 9.1, supra, applies only to counties having population of 240,000 or more. This would, of course, exclude Darlington County.

A coroner would have no authority to issue a death certificate in a case where no body has been found. Coroners have no common law authority in this respect and their statutory power extends only to the investigation and/or inquest upon a dead body. There is no authority, either statutory or common law, for the coroners determination of 'death or no death'. His authority is to determine the cause of death upon the 'finding of a dead body' within his county where he determines that an investigation or inquest is needed or advisable. Sections 17-90, 17-01, supra.

I trust that this will be sufficient response to your inquiry. If we may be of any further assistance, please do not hesitate to call or write.

Very truly yours,

H. Brent Fortson
Staff Attorney

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