~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

April 13, 2016

**S. 1182**

Introduced by Senators Shealy, Lourie, Fair and Hutto

S. Printed 4/13/16--S.

Read the first time March 23, 2016.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 1182) to amend Article 7, Chapter 5, Title 17, Code of Laws of South Carolina, 1976, relating to duties of coroners and medical examiners, by adding Sections 17‑5‑541, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, page 3, by striking lines 8 through 15, and inserting therein the following:

/ (B) From the funds received pursuant to this section, each county treasurer must pay the duly elected coroner at least thirty‑five thousand dollars annually. If the funds are not totally expended to pay the duly elected coroner, then at the discretion of the coroner he may hire a deputy coroner, administrative personnel, or personnel with forensic training. Also, the coroner may use the funds to provide an office or office equipment.

(C) Upon disbursing thirty‑five thousand dollars to each county treasurer /

Renumber sections to conform.

Amend title to conform.

BRAD HUTTO for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Fiscal Impact Summary**

This bill requires an expenditure of at least $1,610,000 contingent upon general fund appropriations or the availability of financial support from other sources. This bill would have no expenditure impact on local governments. Revenue for local governments could increase by at least $1,610,000 annually depending upon general fund appropriations or the availability of financial support from other sources. This fiscal impact statement has been updated to include a response by the Department of Health and Environmental Control.

**Explanation of Fiscal Impact**

**Updated for Additional Agency Response on April 8, 2016**

**State Expenditure**

This bill adds Section 17-5-541, which states that the coroner of each county, within a timeframe not to exceed seven working days, must schedule a local Child Fatality Review Team to perform a review of a case where a child under the age of eighteen dies in the county he serves. The team may be comprised of the county coroner or his designee, a local law enforcement officer, an agent from the State Law Enforcement Division’s Department of Child Fatalities, a board certified child abuse pediatrician or a forensic pathologist, a representative from the local county department of social services, and any other individual the coroner deems necessary. The purpose of the local Child Fatality Review Team is to rapidly review all child deaths that occur in the county in which each coroner serves. In doing this, the local Child Fatality Review Team must enter the team’s findings of each reviewed child death into the Child Death Review Case Reporting System, submit a monthly report to the State Child Fatality Advisory Committee, and submit a report to the Bureau of Vital Statistics. Also, this bill amends Section 17-5-130, which states that the Coroners Training Advisory Committee must govern the qualifications of all coroners, deputy coroners, and candidates for coroner. Also, the committee may recommend suspension to the Governor and loss of funding to the county council.

**Office of the State Treasurer.** This bill requires an expenditure of at least $1,610,000 contingent upon general fund appropriations or the availability of financial support from other sources. These funds would be disbursed to the county treasurers to supplant existing funds utilized by county coroners.

**Department of Social Services.** The department indicates that this bill will have no expenditure impact on the general fund, federal funds, or other funds.

**Law Enforcement Training Council.** The department indicates that this bill would have no expenditure impact on the general fund, federal funds, or other funds.

**South Carolina Law Enforcement Division.** The department indicates that this bill would have no expenditure impact on the general fund, federal funds, or other funds.

**Department of Labor, Licensing, and Regulation**. The department indicates that this bill would have no expenditure impact on the general fund, federal funds, or other funds.

**Department of Health and Environmental Control.** The department’s updated response indicates that this bill would have no expenditure impact on the general fund, federal funds, or other funds.

**Local Expenditure**

The Revenue and Fiscal Affairs Office contacted twenty-three county governments and the Municipal Association of South Carolina regarding the expenditure impact of this bill. Florence and Greenville counties indicate that this bill will have no expenditure impact on their localities.

Although only two responses were received from the surveyed counties, we do not anticipate that this bill will have an expenditure impact on county governments. The Municipal Association also indicates this bill will have no expenditure impact on municipal governments.

**Local Revenue**

This bill adds Section 17-5-140, which provides that from appropriations remitted to the State Treasurer, $35,000 must be disbursed to each county treasurer. These funds must supplement existing funds utilized for county coroners. The remaining appropriations must be disbursed based upon population. Counties with a population of 150,000 and above must receive an equal share of fifty-five percent of the remaining funds. Counties with a population of at least 50,000 but not more than 149,999, must receive an equal share of thirty-five percent of the remaining funds. Counties with a population of less than 50,000 must receive an equal share of ten percent of the remaining funds. Implementation of this section is contingent upon general fund appropriations or the availability of financial support from other sources.

This bill would increase revenue for county governments by at least $35,000 annually, or $1,610,000 on a state-wide basis. The revenue must first be used to pay the elected coroner at least $35,000. Additional funds, if available, would be disbursed based upon county population and could be used for administrative or forensic personnel, office space, or for office equipment. Implementation of this additional revenue is contingent upon general fund appropriations or the availability of financial support from other sources.

**Explanation of Bill Filed on March 23, 2016**

**State Expenditure**

This bill adds Section 17-5-541, which states that the coroner of each county, within a timeframe not to exceed seven working days, must schedule a local Child Fatality Review Team to perform a review of a case where a child under the age of eighteen dies in the county he serves. The team may be comprised of the county coroner or his designee, a local law enforcement officer, an agent from the State Law Enforcement Division’s Department of Child Fatalities, a board certified child abuse pediatrician or a forensic pathologist, a representative from the local county department of social services, and any other individual the coroner deems necessary. The purpose of the local Child Fatality Review Team is to rapidly review all child deaths that occur in the county in which each coroner serves. In doing this, the local Child Fatality Review Team must enter the team’s findings of each reviewed child death into the Child Death Review Case Reporting System, submit a monthly report to the State Child Fatality Advisory Committee, and submit a report to the Bureau of Vital Statistics. Also, this bill amends Section 17-5-130, which states that the Coroners Training Advisory Committee must govern the qualifications of all coroners, deputy coroners, and candidates for coroner. Also, the committee may recommend suspension to the Governor and loss of funding to the county council.

**Office of the State Treasurer.** This bill requires an expenditure of at least $1,610,000 contingent upon general fund appropriations or the availability of financial support from other sources. These funds would be disbursed to the county treasurers to supplant existing funds utilized by county coroners.

**Department of Social Services.** The department indicates that this bill will have no expenditure impact on the general fund, federal funds, or other funds.

**Law Enforcement Training Council.** The department indicates that this bill would have no expenditure impact on the general fund, federal funds, or other funds.

**South Carolina Law Enforcement Division.** The department indicates that this bill would have no expenditure impact on the general fund, federal funds, or other funds.

**Department of Labor, Licensing, and Regulation**. The department indicates that this bill would have no expenditure impact on the general fund, federal funds, or other funds.

**Department of Health and Environmental Control.** The expenditure impact of this bill is pending, contingent upon a response from the agency.

**Local Expenditure**

The Revenue and Fiscal Affairs Office contacted twenty-three county governments and the Municipal Association of South Carolina regarding the expenditure impact of this bill. Florence and Greenville counties indicate that this bill will have no expenditure impact on their localities.

Although only two responses were received from the surveyed counties, we do not anticipate that this bill will have an expenditure impact on county governments. The Municipal Association also indicates this bill will have no expenditure impact on municipal governments.

**Local Revenue**

This bill adds Section 17-5-140, which provides that from appropriations remitted to the State Treasurer, $35,000 must be disbursed to each county treasurer. These funds must supplement existing funds utilized for county coroners. The remaining appropriations must be disbursed based upon population. Counties with a population of 150,000 and above must receive an equal share of fifty-five percent of the remaining funds. Counties with a population of at least 50,000 but not more than 149,999, must receive an equal share of thirty-five percent of the remaining funds. Counties with a population of less than 50,000 must receive an equal share of ten percent of the remaining funds. Implementation of this section is contingent upon general fund appropriations or the availability of financial support from other sources.

This bill would increase revenue for county governments by at least $35,000 annually, or $1,610,000 on a state-wide basis. The revenue must first be used to pay the elected coroner at least $35,000. Additional funds, if available, would be disbursed based upon county population and could be used for administrative or forensic personnel, office space, or for office equipment. Implementation of this additional revenue is contingent upon general fund appropriations or the availability of financial support from other sources.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND ARTICLE 7, CHAPTER 5, TITLE 17, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DUTIES OF CORONERS AND MEDICAL EXAMINERS, BY ADDING SECTIONS 17-5-541 AND 17-5-542, SO AS TO PROVIDE THAT THE CORONER OF EACH COUNTY SHALL SCHEDULE A LOCAL CHILD FATALITY REVIEW TEAM TO PERFORM A REVIEW OF A CASE WHERE A CHILD UNDER THE AGE OF EIGHTEEN DIES IN THE COUNTY HE SERVES AND TO PROVIDE THE PURPOSE OF THE REVIEW TEAM; TO AMEND ARTICLE 3, CHAPTER 5, TITLE 17, RELATING TO CORONERS, BY ADDING SECTION 17-5-140, SO AS TO PROVIDE THAT FUNDS MUST BE DISBURSED TO THE COUNTIES EQUALLY TO PAY THE DULY ELECTED FULL‑TIME CORONER OR OTHER RELATED PERSONNEL OR EQUIPMENT AND TO PROVIDE THAT EXCESS FUNDS MUST BE USED BY THE CORONERS TRAINING ADVISORY COMMITTEE TO PERFORM ITS DUTIES; AND TO AMEND SECTION 17‑5‑130, RELATING TO THE CORONERS TRAINING ADVISORY COMMITTEE, SO AS TO PROVIDE ADDITIONAL DUTIES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 7, Chapter 5, Title 17 of the 1976 Code is amended by adding:

“Section 17-5-541. (A) For the purposes of this section, ‘a person responsible for a child’s welfare’ has the same meaning as in Section 63-7-20(16).

(B) The coroner of each county, within a timeframe not exceeding seven working days, shall schedule a local Child Fatality Review Team to perform a review of a case where a child under the age of eighteen dies in the county he serves. The team may be composed of:

(1) the county coroner or his designee;

(2) a local law enforcement officer;

(3) an agent from the State Law Enforcement Division’s Department of Child Fatalities assigned to the case;

(4) a board certified child abuse pediatrician or a forensic pathologist;

(5) a representative from the local county department of social services; and

(6) any other person the coroner deems necessary.

(C) In addition to the mandatory notification requirement in Section 17-5-540, the coroner shall immediately notify the local county department of social services and request any involvement of the agency, excluding any economic services, in the life of the child, a sibling, or a person responsible for a child’s welfare that resulted in a referred, indicated, or unfounded case.

(D) The local county department of social services, within twenty-four hours or one working day, whichever comes first, must provide the coroner and the State Law Enforcement Division’s Department of Child Fatalities information related to any involvement of the agency, excluding any economic services, in the life of the child, a sibling, or a person responsible for a child’s welfare that resulted in a referred, indicated, or unfounded case.

Section 17-5-542. (A) The purpose of the local Child Fatality Review Team is to rapidly and expeditiously review all child deaths that occur in the county in which each coroner serves.

(B) To achieve this purpose, the local Child Fatality Review Team shall:

(1) enter the team’s findings of each reviewed child death into the Child Death Review Case Reporting System at the direction of the coroner;

(2) submit to the State Child Fatality Advisory Committee, a monthly report and any other reports prepared by the team, including the team’s findings of each reviewed child death; and

(3) submit a report of the findings of each reviewed child death to the Bureau of Vital Statistics as prescribed by the State Registrar of Vital Statistics.”

SECTION 2. Article 3, Chapter 5, Title 17 of the 1976 Code is amended by adding:

“Section 17‑5‑140. (A) From the surcharge remitted to the State Treasurer pursuant to subsection (D), and subject to the provisions of subsection (C), the State Treasurer shall disburse an equal amount to each county treasurer on a monthly basis. These funds must supplement, and not supplant, existing funds utilized for county coroners.

(B) From the funds received pursuant to this section, each county must pay the duly elected coroner at least thirty‑five thousand dollars annually. If the funds are not totally expended to pay the duly elected coroner, then at the discretion of the coroner he may hire a deputy coroner, administrative personnel, or personnel with forensic training. Also, the coroner may use the funds to provide an office or office equipment.

(C) Upon disbursing thirty‑five thousand dollars to each county in a fiscal year, the State Treasurer shall credit any remaining surcharge funds collected pursuant to subsection (D) to the coroners of each county for the performance of their duties. The remaining surcharge funds shall be disbursed as follows:

(1) For those counties with a population of one hundred fifty thousand and above, according to the latest official United States Decennial Census, each coroner shall receive an equal share of fifty-five percent of the remaining surcharge funds.

(2) For those counties with a population of at least fifty thousand but not more than one hundred forty‑nine thousand, nine hundred ninety‑nine, according to the latest official United States Decennial Census, each coroner shall receive an equal share of thirty-five percent of the remaining surcharge funds.

(3) For those counties with a population of less than fifty thousand, according to the latest official United States Decennial Census, each coroner shall receive an equal share of ten percent of the remaining surcharge funds.

(D) Implementation of this section is contingent upon the appropriation of state general funds or the availability of financial support from other sources and must be operational within one year of adequate funding becoming available.”

SECTION 3. Section 17‑5‑130(G) of the 1976 Code is amended to read:

“(G)(1) The Director of the South Carolina Criminal Justice Academy shall appoint a Coroners Training Advisory Committee to assist in the determination of training requirements for coroners and deputy coroners and to determine those forensic science degree and certification programs that qualify as ‘recognized’ pursuant to the requirements of this section. Also, the committee shall assist in determining annual training requirements as set forth in this section. The committee must consist of no fewer than five coroners and at least one physician trained in forensic pathology as recommended by the South Carolina Coroners Association. The members of the committee shall serve without compensation.

(2) The Coroners Training Advisory Committee shall govern the qualifications of all coroners, deputy coroners, and candidates for coroner as set forth in this section. Also, the committee must certify all coroners. The committee may require a coroner, deputy coroner, or candidate for coroner to appear before it to determine qualifications or for performance review. Failure to appear before the committee or failure to follow state law relating to the performance of official duties may result in sanctioning in the form of a private or public reprimand. Also, the committee may recommend suspension to the Governor and loss of funding to the county council. A person may appeal an action of the committee pursuant to the provisions of Chapter 23, Title 1. The committee may hire an administrative assistant if it is determined necessary.”

SECTION 4. This act takes effect upon approval by the Governor.

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