**South Carolina General Assembly**

120th Session, 2013-2014

**H. 4761**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. J.E. Smith

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Companion/Similar bill(s): 1127

Introduced in the House on February 20, 2014

Currently residing in the House Committee on **Judiciary**

Summary: Coroners

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/20/2014 House Introduced and read first time ([House Journal‑page 40](file:///H:\HJ%20Archive\2014\02-20-14.docx))

2/20/2014 House Referred to Committee on **Judiciary** ([House Journal‑page 40](file:///H:\HJ%20Archive\2014\02-20-14.docx))

**VERSIONS OF THIS BILL**

[2/20/2014](file:///p:\pprever\2013-14\4761_20140220.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 17‑5‑140 SO AS TO PROVIDE THAT THE FUNDS FROM THE SURCHARGE IMPOSED PURSUANT TO SECTION 44‑63‑84 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; TO AMEND SECTION 17‑5‑130, AS AMENDED, RELATING TO THE CORONERS TRAINING ADVISORY COMMITTEE, SO AS TO PROVIDE ADDITIONAL DUTIES; AND TO AMEND SECTION 44‑63‑84, RELATING TO THE ISSUANCE OF A DEATH CERTIFICATE, SO AS TO IMPOSE A FIVE DOLLAR SURCHARGE FOR THE ISSUANCE OF AN INITIAL DEATH CERTIFICATE AND THREE DOLLARS FOR EACH SUBSEQUENT DEATH CERTIFICATE.

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

SECTION 1. 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 Section 44‑63‑84, 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 full‑time coroner to be compensated at thirty‑five thousand dollars annually. If the funds are not totally expended to pay the duly elected full‑time 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 Section 44‑63‑84 to the Coroners Training Advisory Committee for the performance of its duties.”

SECTION 2. Section 17‑5‑130(G) of the 1976 Code, as last amended by Act 205 of 2012, is further 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 3. Section 44‑63‑84 of the 1976 Code is amended to read:

“Section 44‑63‑84. Copies of death certificates may be issued to members of the deceased’s family or their respective legal representatives. Upon request, the Department of Social Services or its designee must be provided with copies or certified copies of death certificates for the purpose of establishing paternity or establishing, modifying, or enforcing a child support obligation. Others who demonstrate a direct and tangible interest may be issued copies when information is needed for the determination of a personal or property right. Other applicants may be provided with a statement that the death occurred, the date, and county of death. However, when fifty years have elapsed after the date of death, these records become public records and any person may obtain copies upon submission of an application containing sufficient information to locate the record. For each copy issued or search of the files made, the state registrar shall collect the same fee as is charged for the issuance of certified copies or a search of the files for other records in his possession. Also, the state registrar shall collect a surcharge equal to five dollars for the initial copy issued and three dollars for each subsequent copy issued. The surcharge must be remitted in the same manner as provided in Section 44‑63‑120, except that the State Treasurer must maintain the funds from this surcharge separately from all other accounts. The State Treasurer shall remit the surcharge funds pursuant to Section 17‑5‑140. The Department of Social Services or its designee may not be charged ~~this~~ the fee or the surcharge.

When fifty years have elapsed after the date of death, these records must be made available in photographic or other suitable format for public viewing.”

SECTION 4. This act takes effect July 1, 2014.

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