~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

January 28, 2015

**S. 10**

Introduced by Senators L. Martin, Peeler, Courson and Campsen

S. Printed 1/28/15--S.

Read the first time January 13, 2015.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 10) to amend Section 30-4-40(a), South Carolina Code of Laws, 1976, relating to public records in the Freedom of Information Act, to remove the cause, 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, by striking all after the enacting language and inserting:

/ SECTION 1. Section 30-4-40(a)(18) of the 1976 Code is amended to read:

“(18) Photographs, videos, and other visual images, and audio recordings of and related to the performance of an autopsy, except that the photographs, videos, images, or recordings may be viewed and used by the persons identified in Section 17‑5‑535 for the purposes contemplated or provided for in that section; provided, however, this exemption does not apply to reports prepared pursuant to Section 17-5-560(B).”

SECTION 2. Section 30-4-50(A) of the 1976 Code is amended to read:

“(A) Without limiting the meaning of other sections of this chapter, the following categories of information are specifically made public information subject to the restrictions and limitations of Sections 30‑4‑20, 30‑4‑40, and 30‑4‑70 of this chapter:

(1) the names, sex, race, title, and dates of employment of all employees and officers of public bodies;

(2) administrative staff manuals and instructions to staff that affect a member of the public;

(3) final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(4) those statements of policy and interpretations of policy, statute, and the Constitution which have been adopted by the public body;

(5) written planning policies and goals and final planning decisions;

(6) information in or taken from any account, voucher, or contract dealing with the receipt or expenditure of public or other funds by public bodies;

(7) the minutes of all proceedings of all public bodies and all votes at such proceedings, with the exception of all such minutes and votes taken at meetings closed to the public pursuant to Section 30‑4‑70;

(8) reports which disclose the nature, substance, and location of any crime or alleged crime reported as having been committed. Where a report contains information exempt as otherwise provided by law, the law enforcement agency may delete that information from the report.

(9) statistical and other empirical findings considered by the Legislative Audit Council in the development of an audit report.

(10) reports as to the cause of death of a person examined by autopsy pursuant to Section 17-5-560(B). However, a law enforcement or public safety agency may apply to the circuit court for injunctive relief to prevent the disclosure of a report prepared pursuant to Section 17-5-560(B) if the agency establishes that the disclosure would harm the agency for one or more of the reasons provided in Section 30-4-40(a)(3)(A)-(D). The agency requesting injunctive relief under this subsection must provide reasonable notice of the hearing to the person or entity requesting disclosure and the court must allow the person or entity requesting disclosure an opportunity to be heard. The court must hold the hearing as soon as practicable, but not later than ten days from the date of filing. An order preventing the disclosure of a report prepared pursuant to Section 17-5-560(B) is valid for up to thirty days and may be renewed.”

SECTION 3. Section 17-5-560 of the 1976 Code is amended to read:

“Section 17‑5‑560. (A) The coroner, deputy coroner, medical examiner, or deputy medical examiner must, in any case investigated, complete and sign the medical certification portion of the death certificate within twenty‑four hours after being notified of the death.

(B) The coroner, deputy coroner, medical examiner, or deputy medical examiner must, in any case investigated by autopsy, complete and sign a cause of death report as soon as practicable but no later than seventy-two hours after completion of the autopsy. The report must include:

1) the decedent’s name;

2) the decedent’s date of birth;

3) the location of the decedent’s death;

4) the date of the decedent’s death; and

5) the cause and manner of the decedent’s death.

~~(B)~~(C) The coroner or medical examiner must, at the time of releasing a body to a funeral director or person acting as a funeral director, or as soon as practical after releasing the body, execute and sign the medical certification of the cause of death on the prescribed form.

~~(C)~~(D) In any case where autopsy is scheduled and the coroner or medical examiner wishes to await its gross findings to confirm a tentative clinical finding, the coroner or medical examiner must give the funeral director notice as to when he expects to have the medical data necessary for the certification of cause of death. If the certificate cannot be signed within the prescribed time set forth, the coroner or medical examiner must indicate that the cause of death is pending and sign the certification accordingly. Immediately after the medical data necessary for determining the cause of death has been made known, the coroner or medical examiner must, over his signature, forward the cause of death to the registrar and notify the funeral director involved that this action has been taken.

~~(D)~~(E) As used in this section, the terms “sign”, “signed”, or “signature” mean a written signature or an electronic signature authorized in the Electronic Commerce Act, Chapter 5, Title 26.”

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

Renumber sections to conform.

Amend title to conform.

A. SHANE MASSEY for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Fiscal Impact Summary**

This bill is not expected to impact state or local expenditures or revenues.

**Explanation of Fiscal Impact**

**Local Expenditure**

This bill amends Section 30-4-40(a)(18), which relates to public records in the Freedom of Information Act to remove the information exemption to reports of the cause of death of a person examined by autopsy. Additionally, this bill amends Section 30-4-50, to include reports of the cause of death for persons examined by autopsy in the existing categories of public information.

The Revenue and Fiscal Affairs Office contacted county governments concerning the impact of this bill. Georgetown and Richland Counties indicate this bill will have no impact on county governments.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 30-4-40(a), SOUTH CAROLINA CODE OF LAWS, 1976, RELATING TO PUBLIC RECORDS IN THE FREEDOM OF INFORMATION ACT, TO REMOVE THE CAUSE OF DEATH BY A PERSON EXAMINED BY AN AUTOPSY FROM THE AUTOPSY EXCLUSIONS OF INFORMATION SUBJECT TO PUBLIC RELEASE IN THE FREEDOM OF INFORMATION ACT; AND TO AMEND SECTION 30-4-50 RELATING TO CATEGORIES SPECIFICALLY NAMED PUBLIC INFORMATION, TO INCLUDE REPORTS OF THE CAUSE OF DEATH FOR PERSONS EXAMINED BY AUTOPSY.

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

SECTION 1. Section 30-4-40 (a)(18) of the 1976 Code is amended to read:

“(18) Photographs, videos, and other visual images, and audio recordings of and related to the performance of an autopsy, except that the photographs, videos, images, or recordings may be viewed and used by the persons identified in Section 17‑5‑535 for the purposes contemplated or provided for in that section; provided, however, this exemption does not apply to reports of the cause of death of a person examined by autopsy.”

SECTION 2. Section 30-4-50(A) of the 1976 Code is amended to read:

“(A) Without limiting the meaning of other sections of this chapter, the following categories of information are specifically made public information subject to the restrictions and limitations of Sections 30‑4‑20, 30‑4‑40, and 30‑4‑70 of this chapter:

(1) the names, sex, race, title, and dates of employment of all employees and officers of public bodies;

(2) administrative staff manuals and instructions to staff that affect a member of the public;

(3) final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(4) those statements of policy and interpretations of policy, statute, and the Constitution which have been adopted by the public body;

(5) written planning policies and goals and final planning decisions;

(6) information in or taken from any account, voucher, or contract dealing with the receipt or expenditure of public or other funds by public bodies;

(7) the minutes of all proceedings of all public bodies and all votes at such proceedings, with the exception of all such minutes and votes taken at meetings closed to the public pursuant to Section 30‑4‑70;

(8) reports which disclose the nature, substance, and location of any crime or alleged crime reported as having been committed. Where a report contains information exempt as otherwise provided by law, the law enforcement agency may delete that information from the report.

(9) statistical and other empirical findings considered by the Legislative Audit Council in the development of an audit report.

(10) reports prepared by, at the request of, used by, or in the possession of, a coroner as to the cause of death of a person examined by autopsy.

SECTION 3. This act takes effect upon approval by the Governor.

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