**South Carolina General Assembly**

122nd Session, 2017-2018

**A183, R199, S170**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Shealy and Hutto

Document Path: l:\s-jud\bills\shealy\jud0010.ls.docx

Companion/Similar bill(s): 171

Introduced in the Senate on January 10, 2017

Introduced in the House on April 18, 2017

Last Amended on May 10, 2018

Passed by the General Assembly on May 10, 2018

Governor's Action: May 17, 2018, Signed

Summary: Child fatality review team

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/13/2016 Senate Prefiled

12/13/2016 Senate Referred to Committee on **Judiciary**

1/10/2017 Senate Introduced and read first time ([Senate Journal‑page 91](file:///h:\sj\20170110.docx))

1/10/2017 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 91](file:///h:\sj\20170110.docx))

2/23/2017 Senate Referred to Subcommittee: Hutto (ch), Shealy, McLeod, Rice, Timmons

3/8/2017 Senate Committee report: Favorable with amendment **Judiciary** ([Senate Journal‑page 19](file:///h:\sj\20170308.docx))

3/16/2017 Senate Committee Amendment Adopted ([Senate Journal‑page 39](file:///h:\sj\20170316.docx))

3/17/2017 Scrivener's error corrected

3/29/2017 Senate Amended ([Senate Journal‑page 45](file:///h:\sj\20170329.docx))

3/29/2017 Senate Read second time ([Senate Journal‑page 45](file:///h:\sj\20170329.docx))

3/29/2017 Senate Roll call Ayes‑39 Nays‑0 ([Senate Journal‑page 45](file:///h:\sj\20170329.docx))

3/30/2017 Scrivener's error corrected

4/6/2017 Senate Amended ([Senate Journal‑page 100](file:///h:\sj\20170406.docx))

4/6/2017 Senate Read third time and returned to House with amendments ([Senate Journal‑page 100](file:///h:\sj\20170406.docx))

4/6/2017 Senate Roll call Ayes‑44 Nays‑0 ([Senate Journal‑page 100](file:///h:\sj\20170406.docx))

4/18/2017 House Introduced and read first time ([House Journal‑page 6](file:///h:\hj\20170418.docx))

4/18/2017 House Referred to Committee on **Medical, Military, Public and Municipal Affairs** ([House Journal‑page 6](file:///h:\hj\20170418.docx))

4/25/2018 House Committee report: Favorable with amendment **Medical, Military, Public and Municipal Affairs** ([House Journal‑page 82](file:///h:\hj\20180425.docx))

5/2/2018 House Requests for debate‑Rep(s). Crosby, Felder, Daning, Bryant, Forrest, S Rivers, Allison, Ott, Anthony, Long ([House Journal‑page 85](file:///h:\hj\20180502.docx))

5/9/2018 House Requests for debate removed‑Rep(s). Allison, Daning, S Rivers, Crosby, Long, Bryant, Felder, Forrest ([House Journal‑page 55](file:///h:\hj\20180509.docx))

5/9/2018 House Amended ([House Journal‑page 99](file:///h:\hj\20180509.docx))

5/9/2018 House Read second time ([House Journal‑page 99](file:///h:\hj\20180509.docx))

5/9/2018 House Roll call Yeas‑96 Nays‑0 ([House Journal‑page 104](file:///h:\hj\20180509.docx))

5/10/2018 House Amended ([House Journal‑page 16](file:///h:\hj\20180510.docx))

5/10/2018 House Read third time and returned to Senate with amendments ([House Journal‑page 16](file:///h:\hj\20180510.docx))

5/10/2018 House Roll call Yeas‑107 Nays‑0 ([House Journal‑page 17](file:///h:\hj\20180510.docx))

5/10/2018 Senate Concurred in House amendment and enrolled ([Senate Journal‑page 40](file:///h:\sj\20180510.docx))

5/10/2018 Senate Roll call Ayes‑44 Nays‑0 ([Senate Journal‑page 40](file:///h:\sj\20180510.docx))

5/14/2018 Ratified R 199

5/17/2018 Signed By Governor

5/24/2018 Effective date 05/17/18

5/31/2018 Act No. 183

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=170&session=122&summary=B) at the website

**VERSIONS OF THIS BILL**

[12/13/2016](file:///p:\pprever\2017-18\170_20161213.docx)

[3/8/2017](file:///p:\pprever\2017-18\170_20170308.docx)

[3/16/2017](file:///p:\pprever\2017-18\170_20170316.docx)

[3/17/2017](file:///p:\pprever\2017-18\170_20170317.docx)

[3/29/2017](file:///p:\pprever\2017-18\170_20170329.docx)

[3/30/2017](file:///p:\pprever\2017-18\170_20170330.docx)

[4/6/2017](file:///p:\pprever\2017-18\170_20170406.docx)

[4/25/2018](file:///p:\pprever\2017-18\170_20180425.docx)

[5/9/2018](file:///p:\pprever\2017-18\170_20180509.docx)

[5/10/2018](file:///p:\pprever\2017-18\170_20180510.docx)

(A183, R199, S170)

**AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, 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, RESPECTIVELY; 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; TO AMEND SECTION 17‑5‑130, RELATING TO THE CORONERS TRAINING ADVISORY COMMITTEE, SO AS TO PROVIDE ADDITIONAL DUTIES FOR THE COMMITTEE INCLUDING TRAINING, GOVERNING QUALIFICATIONS, AND PERFORMANCE REVIEWS OF CORONERS AND DEPUTY CORONERS, AMONG OTHER THINGS; BY ADDING SECTIONS 17‑5‑543 AND 17‑5‑544 BOTH SO AS TO PROVIDE FOR THE CONFIDENTIALITY OF INFORMATION RECEIVED IN THE MEETINGS OF CHILD FATALITY REVIEW TEAMS AND OTHER INFORMATION, DOCUMENTS, AND RECORDS OF THE TEAMS AND THE RESULTING EXEMPTIONS UNDER CERTAIN CIRCUMSTANCES FROM THE FREEDOM OF INFORMATION ACT AND TO PROVIDE PENALTIES FOR VIOLATIONS.**

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

**Coroners, Local Child Fatality Review Teams**

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;

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

(6) a forensic pathologist.

(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.”

**Coroners, funding**

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

“Section 17‑5‑140. (A) From the funds appropriated for the implementation of this section, 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 full‑time county coroners.

(B) From the funds received pursuant to this section, each county treasurer must pay the duly elected full‑time coroner at least 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 use the funds to 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 in a fiscal year, the State Treasurer shall credit any remaining funds pursuant to subsection (D) to the full‑time coroners of each county for the performance of their duties. The remaining 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 full‑time coroner shall receive an equal share of fifty‑five percent of the remaining 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 full‑time coroner shall receive an equal share of thirty‑five percent of the remaining funds.

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

**Coroners Training Advisory Committee, duties expanded**

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 or a deputy coroner to appear before it 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.”

**Local Child Fatality Review Teams, confidentiality**

SECTION 4. Article 7, Chapter 5, Title 17 of the 1976 Code is amended by adding:

“Section 17‑5‑543. (A) Meetings of the Child Fatality Review Team, the ‘review team’, are closed to the public and are not subject to Chapter 4, Title 30, the Freedom of Information Act, when the review team is discussing individual cases of child deaths.

(B) Except as provided in subsection (C), meetings of the review team are open to the public and subject to the Freedom of Information Act when the review team is not discussing individual cases of child deaths.

(C) Information identifying a deceased child or a family member, guardian, or caretaker of a deceased child, or an alleged or suspected perpetrator of abuse or neglect upon a child may not be disclosed during a public meeting and information regarding the involvement of any agency with the deceased child or family may not be disclosed during a public meeting.

(D) Violation of this section is a misdemeanor and, upon conviction, a person must be fined not more than five hundred dollars or imprisoned not more than six months, or both.”

**Local Child Fatality Review Teams, confidentiality**

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

“Section 17‑5‑544. (A) All information, documents, and records of the Child Fatality Review team, records acquired by the review team, or records prepared by members of the review team in the exercise of their purposes and duties pursuant to this article are confidential, exempt from disclosure under Chapter 4, Title 30, the Freedom of Information Act, and only may be disclosed as necessary to carry out the review team’s duties and purposes.

(B) Statistical compilations of data that do not contain information that would permit the identification of a person to be ascertained are public records.

(C) Reports of the review team that do not contain information that would permit the identification of a person to be ascertained are public information.

(D) Except as necessary to carry out the review team’s purposes and duties, members of the committee and persons attending their meeting may not disclose what transpired at a meeting and may not disclose information, the disclosure of which is prohibited by this section.

(E) Members of the Child Fatality Review Team, persons attending a committee meeting, and persons who present information to the review team may not be required to disclose in any civil or criminal proceeding information presented in or opinions formed as a result of a meeting, except that information available from other sources is not immune from introduction into evidence through those sources solely because it was presented during proceedings of the committee or department or because it is maintained by the committee or department. Nothing in this subsection may be construed to prevent a person from testifying to information obtained independently of the committee or which is public information.

(F) All information, documents, and records of the Child Fatality Review team, records acquired by the review team, and records prepared by the review team are not subject to subpoena, discovery, or the Freedom of Information Act, except that information, documents, and records otherwise available from other sources are not immune from subpoena, discovery, or the Freedom of Information Act through those sources solely because they were presented during proceedings of the committee or department or because they are maintained by the committee or department.

(G) Violation of this section is a misdemeanor and, upon conviction, a person must be fined not more than five hundred dollars or imprisoned for not more than six months, or both.”

**Time effective**

SECTION 6. This act takes effect upon approval by the Governor.

Ratified the 14th day of May, 2018.

Approved the 17th day of May, 2018.

\_\_\_\_\_\_\_\_\_\_