~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 8, 2017

**S. 170**

Introduced by Senators Shealy and Hutto

S. Printed 3/8/17--S.

Read the first time January 10, 2017.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 170) 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, 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 2, by striking lines 4-12 and inserting:

/ (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;

(6) a forensic pathologist; and

(7) any other person the coroner deems necessary. /

Amend the bill further, as and if amended, page 3, by striking lines 2-38 and inserting:

/ “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.” /

Renumber sections to conform.

Amend title to conform.

BRAD HUTTO for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**Introduced on January 10, 2017**

**State Expenditure**

This bill adds requirements for coroners in regard to establishing Child Fatality Review Teams (CFRT) when a child under the age of eighteen has died. The bill requires coroners of each county to schedule a local CFRT within seven working days to perform a review of a case where a child has died and sets rules for who must be on the review team. Additionally, the bill sets requirements for what each local CFRT must achieve during its review. This bill provides for the distribution of funds to counties based upon population to supplement existing funds used for full-time county coroners. The minimum funding to each county is $35,000 and is contingent upon availability of funds from state appropriations or the availability of financial support from other sources. This bill further amends the responsibilities of the Coroners Training Advisory Committee to include assisting with determining annual training requirements for coroners and deputy coroners. The committee is also required to govern the qualifications of all coroners, deputy coroners, and candidates for coroners, certify all coroners, and require coroners to appear for performance reviews.

**Office of the State Treasurer.** The bill would require the Treasurer’s Office to disburse appropriated or unspecified other available funding to counties based upon the population formula specified within the bill. The Treasurer’s Office indicates the Treasury Management Division (TMD) would need to modify their existing IT fund distribution system to accommodate the required distributions to each county. Updates to the IT fund distribution system will be absorbed within existing TMD resources.

**Department of Social Services.** The department indicates that the staff time required to serve on local CFRTs can be managed within existing staff and budget appropriations. Therefore, this bill will have no expenditure impact on the general fund, federal funds, or other funds.

**South Carolina Law Enforcement Division (SLED).** The department indicates that the special victims unit (SVU) will be present at any child death review where SLED has an open case. The SVU is able to accommodate this need with current resources, and in some cases, this is already occurring. Therefore, this bill will have no expenditure impact on the general fund, federal funds, or other funds.

**Department of Health and Environmental Control (DHEC).** The department reports about 200 child deaths each year fall into the CFRT category and are handled with existing resources. DHEC reports this information to the State Child Fatality Advisory Committee, although this bill does not impose a reporting requirement on the department. Therefore, this bill will have no expenditure impact on the general fund, federal funds, or other funds.

**Local Expenditure**

The bill adds additional responsibilities for county coroners in investigating child fatalities and expands the requirements for local county departments of social services with regard to supporting CFRTs. The Revenue and Fiscal Affairs Office contacted twenty-three county governments and received one response. Horry County indicated that the bill is not expected to impact local expenditures as the local department of social services is under the auspices of the Department of Social Services. They did not address the requirements for coroners. Based upon the limited responses received, the expenditure impact for local governments is undetermined.

**Local Revenue**

Contingent upon appropriation of funds or the availability of financial support from other sources, each county treasurer would receive monthly disbursements from the State Treasurer’s Office to supplement funding utilized by full-time county coroners. Any remaining appropriations must be disbursed based upon population reported in the latest official U.S. Decennial Census. Counties with a population of 150,000 and above must receive an equal share of 55 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 35 percent of the remaining funds. Counties with a population of less than 50,000 must receive an equal share of 10 percent of the remaining funds.

If funds are appropriated, this bill would increase revenue for county governments by at least $35,000 each annually, or $1,610,000 on a state-wide basis. The revenue must first be used to pay the elected full-time coroner at least $35,000. Additional funds may be used to hire a deputy coroner, administrative personnel, or personnel with forensic training or provide an office or office equipment.

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 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 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 surcharge funds collected pursuant to subsection (D) to the full-time 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 full-time 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 full-time 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 full-time 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 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.”

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

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