**A** **BILL**

TO AMEND SECTION 17-5-550 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, RELATING TO DUTIES OF THE CORONER IN CHILD DEATH INVESTIGATIONS, TO PERMIT THE CORONER, MEDICAL EXAMINER, OR LAW ENFORCEMENT OFFICER TO PETITION A MAGISTRATE, MUNICIPAL JUDGE, OR CIRCUIT COURT JUDGE WITHIN THE JURISDICTION FOR A WARRANT OBTAIN SAMPLES AND TO TEST THE BLOOD, BREATH, OR URINE OF THE CHILD’S CAREGIVER IF THERE IS PROBABLE CAUSE TO BELIEVE THE INTOXICATION OR IMPAIRMENT CONTRIBUTED TO THE DEATH OF THE CHILD; TO PROVIDE THAT THE SAMPLES OBTAINED PURSUANT TO THIS SECTION MUST BE HANDLED IN ACCORDANCE WITH PROCEDURES APPROVED BY THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION; TO PROVIDE THAT THE PERSON WHO OBTAINS THE SAMPLES AND THE MEDICAL FACILITY WHERE THE PROCEDURE IS PERFORMED IS RELEASED FROM CIVIL OR CRIMINAL LIABILITY UNLESS THE SAMPLE IS OBTAINED IN A NEGLIGENT, RECKLESS, OR FRAUDULENT MANNER; AND TO PROVIDE THAT NO PERSON MAY BE REQUIRED BY THE CORONER, MEDICAL EXAMINER, OR LAW ENFORCEMENT OFFICER TO OBTAIN OR TAKE A SAMPLE PURSUANT TO THIS SECTION.

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

SECTION 1. Section 17-5-550 of the 1976 Code is amended to read:

“Section 17-5-550. (A) If the home or premises last inhabited by a child is not the scene of the death of a child, the coroner or medical examiner, while conducting an investigation of the death, may petition the local magistrate of the appropriate judicial circuit for a warrant to inspect the home or premises inhabited by the deceased before death.

(B) If, while conducting an investigation of the death of a child four years of age or younger, the coroner, medical examiner, or law enforcement officer finds evidence of the intoxication or impairment of the person caring for the child at or near the time of his death, by alcohol, a controlled substance or any combination thereof, the coroner, medical examiner, or law enforcement officer may petition an appropriate magistrate, municipal judge, or circuit court judge within the jurisdiction for a warrant to obtain samples and to perform tests of the blood or urine of the child’s caregiver to determine the level of intoxication or impairment, if any.

(C) The local magistrate must issue the ~~inspection~~ warrant upon probable cause to believe that events in the home or premises, or the intoxication or impairment of the child’s caregiver, may have contributed to the death of the child.

(D) Blood and urine samples obtained pursuant to this section must be obtained and handled in accordance with procedures approved by the South Carolina Law Enforcement Division. A qualified person who obtains a sample or administers the tests or assists in obtaining samples or the administration of tests at the direction of the coroner, medical examiner, or a law enforcement officer, or the hospital or medical facility where the procedure is performed, is released from civil and criminal liability unless the obtaining of samples or the administration of the tests is performed in a negligent, reckless, or fraudulent manner. No person may be required by the coroner, medical examiner, or law enforcement officer, to obtain or take any sample of blood or urine pursuant to this section.”

SECTION 2. This act takes effect upon approval by the Governor.

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