~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 31, 2010

**H. 3536**

Introduced by Reps. J.E. Smith and McLeod

S. Printed 3/31/10--S.

Read the first time March 16, 2010.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3536) to amend Section 17‑5‑130, Code of Laws of South Carolina, 1976, relating to the qualifications of coroners, so as to increase those qualifications by requiring, 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 words and inserting:

/ SECTION 1. Section 17‑5‑130 of the 1976 Code is amended to read:

“Section 17‑5‑130. (A) A coroner in this State ~~must~~ shall have the following qualifications, the person shall:

(1) be a citizen of the United States;

(2) be a resident of the county in which ~~he~~ the person seeks the office of coroner for at least one year before qualifying for the election to the office;

(3) be a registered voter;

(4) have attained the age of twenty-one years before the date of qualifying for election to the office;

(5) have obtained a:

(a) high school diploma or its recognized equivalent by the State Department of Education and have at least three years of experience in death investigation with a law enforcement agency, coroner, or medical examiner agency;

(b) two-year associate degree and have two years of experience in death investigation with a law enforcement agency, coroner, or medical examiner agency; or

(c) four-year baccalaureate degree and have one year of experience in death investigation with a law enforcement agency, coroner, or medical examiner agency; and

(6) have not been convicted of a felony offense or ~~any~~ an offense involving moral turpitude contrary to the laws of this State, ~~any other~~ another state, or the United States.

(B)(1) A person who offers the person’s candidacy for the office of coroner, no later than the close of filing, shall file a sworn affidavit with the county executive committee of the person’s political party.

(2) The county executive committee of a political party with whom a person has filed an affidavit shall file a copy of the affidavit with the appropriate county election commission by noon on the tenth day following the deadline for filing affidavits by candidates. If the tenth day falls on a Saturday, Sunday, or a holiday, the affidavit must be filed by noon the following day.

(3) A person who seeks nomination by petition shall file a sworn affidavit with the county election commission in the county of the person’s residence.

(4) The affidavit required by the provisions of this subsection must contain the following information, the:

(a) date and place of the person’s birth;

(b) date the person graduated from high school or obtained the recognized equivalent of a high school diploma;

(c) date the person received an associate or baccalaureate degree, if applicable; and

(d) number of years’ experience the person has in death investigation, if applicable.

(C) Each person serving as coroner in ~~his~~ the person’s first term is required to complete a basic training session to be determined by the Department of Public Safety. This basic training session must be completed no later than the end of the calendar year following ~~his~~ the person’s election as coroner. A person appointed to fill the unexpired term in the office of coroner ~~must~~ shall complete a basic training session to be determined by the department within one calendar year of the date of appointment. This section must not be construed to require an individual to repeat the basic training session if ~~he~~ the person has successfully completed the session prior to ~~his~~ the person’s election or appointment as coroner. A coroner who is unable to attend this training session when offered because of an emergency or extenuating circumstances ~~must~~, within one year from the date the disability or cause terminates, shall complete the standard basic training session required of coroners. A coroner who does not fulfill the obligations of this subsection is subject to suspension by the Governor until the coroner completes the training session.

~~(C)~~(D) A person holding the office of coroner or deputy coroner who was elected, appointed, or employed prior to January 1, 1994, and who has served continuously since that time ~~must~~ shall attend a minimum of sixteen hours training annually as may be selected by the South Carolina Law Enforcement Training Council on or before December 31, 1995. Each year ~~thereafter~~, all coroners and deputy coroners ~~must~~ shall complete a minimum of sixteen hours training annually as ~~may be~~ selected by the council. Certification or records of attendance or training must be maintained as directed by the council.

~~(D)~~(E)(1) The basis for the minimum annual requirement of in‑service training is the calendar year. A coroner who satisfactorily completes the basic training session in accordance with the provisions of subsection ~~(B)~~(C) is excused from the minimum annual training requirements of subsection ~~(C)~~(D) for the calendar year in which the basic training session is completed.

(2) The Board of Directors of the South Carolina Coroners Association, in its discretion, may grant a waiver of the requirements of the annual in‑service training upon presentation of evidence by a coroner that he was unable to complete the training due to an emergency or extenuating circumstances.

(3) A coroner who fails to complete the minimum annual in‑service training required by this section may be suspended from office, without pay, by the Governor for ninety days. The Governor may continue to suspend a coroner until ~~he~~ the coroner completes the annual minimum in‑service training required in this section. The Governor ~~must~~ shall appoint, at the time of the coroner’s suspension, a qualified person to perform as acting coroner during the suspension.

~~(E)~~(F) ~~The provisions of items (4) and (5) of subsection (A) do not apply to a coroner serving on April 20, 1995, during his tenure in office~~ A coroner in office on the effective date of this section is exempt from the provisions of this section except for the provisions of subsection (D).

~~(F)~~(G) The Director of the Department of Public Safety ~~must~~ shall appoint a Coroners Training Advisory Committee to assist in the determination of training requirements for coroners and deputy coroners. 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 ~~must~~ shall serve without compensation.

~~(G)~~(H) Expenses of all training authorized or required by this section must be paid by the county the coroner or deputy coroner serves, and the South Carolina Law Enforcement Training Council is authorized to set and collect fees for this training.”

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

“Section 17-5-115. (A) A person appointed by a coroner to the position of deputy coroner may, at the discretion of the coroner, attend the South Carolina Criminal Justice Academy to be trained and certified as a Class III officer.

(B) A law enforcement officer, as defined by Section 23-23-10(E)(1), who is certified by the South Carolina Law Enforcement Training Council and appointed to serve as a deputy coroner, may, at the discretion of the coroner, retain law enforcement status as a Class III officer.

(C) The classification is limited to the deputy coroner’s official duties as provided by law and does not authorize the officer to enforce the state’s general criminal laws.”

SECTION 3. This act takes effect on January 1, 2011. /

Renumber sections to conform.

Amend title to conform.

JOHN M. KNOTTS, JR. for Committee.

**A** **BILL**

TO AMEND SECTION 17‑5‑130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE QUALIFICATIONS OF CORONERS, SO AS TO INCREASE THOSE QUALIFICATIONS BY REQUIRING THOSE PERSONS WITH HIGH SCHOOL DIPLOMAS TO ALSO HAVE AT LEAST SIX YEARS’ EXPERIENCE IN THE FIELD, BY REQUIRING THOSE PERSONS WITH A TWO YEAR ASSOCIATE DEGREE TO ALSO HAVE FOUR YEARS OF EXPERIENCE IN THE FIELD, AND BY REQUIRING THOSE PERSONS WITH A FOUR YEAR BACCALAUREATE DEGREE TO ALSO HAVE AT LEAST TWO YEARS OF EXPERIENCE IN THE FIELD; AND TO REQUIRE THAT A CANDIDATE FOR CORONER FILE A SWORN AFFIDAVIT WITH THE COUNTY EXECUTIVE COMMITTEE OF THE PERSON’S POLITICAL PARTY UNDER SPECIFIED TIME FRAMES, TO PROVIDE FOR THE FILING OF THE AFFIDAVIT BY PETITION CANDIDATES, AND TO DELINEATE THE INFORMATION THAT THE AFFIDAVIT MUST CONTAIN.

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

SECTION 1. Section 17‑5‑130 of the 1976 Code is amended to read:

“Section 17‑5‑130. (A) A coroner in this State ~~must~~ shall have the following qualifications, he must:

(1) be a citizen of the United States;

(2) be a resident of the county in which he seeks the office of coroner for at least one year before qualifying for the election to the office;

(3) be a registered voter;

(4) have attained the age of twenty‑one years before the date of qualifying for election to the office;

(5) have obtained a:

(a) high school diploma or its recognized equivalent by the State Department of Education and have at least three years of experience as a death investigator with a law enforcement agency, coroner, or medical examiner agency;

(b) two year associate degree and have two years of experience as a death investigator with a law enforcement agency, coroner, or medical examiner agency; or

(c) four year baccalaureate degree and have one year of experience as a death investigator with a law enforcement agency, coroner, or medical examiner agency; and

(6) have not been convicted of a felony offense or ~~any~~ an offense involving moral turpitude contrary to the laws of this State, ~~any other~~ another state, or the United States.

(B)(1) A person who offers his candidacy for the office of coroner, no later than the close of filing, shall file a sworn affidavit with the county executive committee of the person’s political party.

(2) The county executive committee of a political party with whom a person has filed his affidavit must file a copy of the affidavit with the appropriate county election commission by noon on the tenth day following the deadline for filing affidavits by candidates. If the tenth day falls on a Saturday, Sunday, or holiday, the affidavit must be filed by noon the following day.

(3) A person who seeks nomination by petition shall file a sworn affidavit with the county election commission in the county of his residence.

(4) The affidavit required by the provisions of this subsection must contain the following information, the:

(a) date and place of the person’s birth;

(b) date the person graduated from high school or obtained the recognized equivalent of a high school diploma;

(c) date the person received an associate or baccalaureate degree, if applicable; and

(d) number of years’ experience the person has as a death investigator, if applicable.

(C) Each person serving as coroner in his first term is required to complete a basic training session to be determined by the Department of Public Safety. This basic training session must be completed no later than the end of the calendar year following his election as coroner. A person appointed to fill the unexpired term in the office of coroner must complete a basic training session to be determined by the department within one calendar year of the date of appointment. This section must not be construed to require an individual to repeat the basic training session if he has successfully completed the session prior to his election or appointment as coroner. A coroner who is unable to attend this training session when offered because of an emergency or extenuating circumstances ~~must~~, within one year from the date the disability or cause terminates, shall complete the standard basic training session required of coroners. A coroner who does not fulfill the obligations of this subsection is subject to suspension by the Governor until the coroner completes the training session.

~~(C)~~(D) A person holding the office of coroner or deputy coroner who was elected, appointed, or employed prior to January 1, 1994, and who has served continuously since that time ~~must~~ shall attend a minimum of sixteen hours training annually as may be selected by the South Carolina Law Enforcement Training Council on or before December 31, 1995. Each year ~~thereafter~~, all coroners and deputy coroners ~~must~~ shall complete a minimum of sixteen hours training annually as ~~may be~~ selected by the council. Certification or records of attendance or training must be maintained as directed by the council.

~~(D)~~(E)(1) The basis for the minimum annual requirement of in‑service training is the calendar year. A coroner who satisfactorily completes the basic training session in accordance with the provisions of subsection ~~(B)~~(C) is excused from the minimum annual training requirements of subsection ~~(C)~~(D) for the calendar year in which the basic training session is completed.

(2) The Board of Directors of the South Carolina Coroners Association, in its discretion, may grant a waiver of the requirements of the annual in‑service training upon presentation of evidence by a coroner that he was unable to complete the training due to an emergency or extenuating circumstances.

(3) A coroner who fails to complete the minimum annual in‑service training required by this section may be suspended from office, without pay, by the Governor for ninety days. The Governor may continue to suspend a coroner until he completes the annual minimum in‑service training required in this section. The Governor must appoint, at the time of the coroner’s suspension, a qualified person to perform as acting coroner during the suspension.

~~(E)~~(F) ~~The provisions of items (4) and (5) of subsection (A) do not apply to a coroner serving on April 20, 1995, during his tenure in office~~ A coroner in office on the effective date of this section is exempt from the provisions of this section except for the provisions of subsection (D).

~~(F)~~(G) The Director of the Department of Public Safety ~~must~~ shall appoint a Coroners Training Advisory Committee to assist in the determination of training requirements for coroners and deputy coroners. 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 must serve without compensation.

~~(G)~~(H) Expenses of all training authorized or required by this section must be paid by the county the coroner or deputy coroner serves, and the South Carolina Law Enforcement Training Council is authorized to set and collect fees for this training.”

SECTION 2. This act takes effect January 1, 2011.

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