

OFFICIAL OPINION NO. 87-19, Coroner costs

**June 16, 1987**

Mr. Roger Ellyson  
State's Attorney  
County of Codington  
P.O. Box 1384  
Watertown, South Dakota 57201-6384

OFFICIAL OPINION NO. 87-19

**Coroner costs**

Dear Mr. Ellyson:

You have requested an official opinion from this Office in regard to the following factual situation.

*FACTS*

A Grant County resident drove his automobile off the road and into a foundation in Watertown, Codington County, South Dakota, on November 26, 1986. The driver was killed. The Codington County coroner ordered an autopsy to be performed.

A pathologist in Sioux Falls performed the autopsy at a cost of \$610. The doctor has submitted a bill to Codington County for his services.

Based on the above facts, you have asked the following question:

*QUESTION:*

Which county is responsible for the costs of the autopsy - Codington or Grant County?

Your question may best be answered by an examination of two factors. First, we must determine who may order an autopsy and under what circumstances an autopsy is justified. Second, we must determine who is required to pay for the autopsy.

The dead body of a human being may be dissected pursuant to an autopsy if ordered by the state's attorney or an investigating county coroner. SDCL 34-26-2, 34-26-7. The authority to order an autopsy is set forth in SDCL 23-14-9.1, which provides that:

If a state's attorney or a coroner has reason to believe that a deceased person may have died in his jurisdiction by unlawful means, either of them may order and direct a physician or surgeon to perform an autopsy. If in the public interest, the county coroner may order an autopsy on those deaths falling within his jurisdiction mentioned in subdivisions (1) to (5), inclusive, of § 23-14-18.

It is therefore clear that a state's attorney or county coroner may order an autopsy in appropriate circumstances.

Payment of autopsy fees is governed by SDCL 23-14-9.2. This statute provides that:

A physician or surgeon appointed under § 23-14-9.1 shall receive a reasonable fee for his services to be ascertained and approved by the board of county commissioners and paid out of the general fund of the county. If the coroner is a physician or surgeon, he may personally perform such autopsy; and he shall receive a reasonable fee for his services to be ascertained and approved by the board of county commissioners and paid out of the general fund of the county...

Therefore, it is my opinion that Codrington County should pay for the autopsy ordered by the Codrington County coroner.

Sincerely,

Roger A. Tellinghuisen  
ATTORNEY GENERAL