

**South Carolina**

ARTICLE 7

Domestic Violence Fatality Review Committees

**SECTION 16-25-710.** Short title.

This article may be cited as the "Domestic Violence Fatality Review Committees".

HISTORY: 2016 Act No. 147 (H.4666), Section 1, eff March 15, 2016.

**SECTION 16-25-720.** Establishment of interagency circuit-wide committees; protocols; membership of committees; confidential information; limitation in investigations; access to information.

(A) Each Circuit Solicitor shall establish an interagency circuit-wide Domestic Violence Fatality Review Committee to assist local agencies in identifying and reviewing domestic violence deaths, including homicides and suicides, and facilitating communication among the various agencies involved in domestic violence cases pursuant to the provisions of this chapter or any other relevant provision of law.

(B) The South Carolina Commission on Prosecution Coordination shall:

(1) develop a protocol for domestic violence fatality reviews; and

(2) develop a protocol that must be used as a guideline to assist coroners and other persons who perform autopsies on domestic violence victims in the identification of domestic violence, in the determination of whether domestic violence contributed to the death or whether domestic violence occurred prior to death but was not the actual cause of death, and in the proper written reporting procedures for domestic violence, including the designation of the cause and mode of death.

(C) Domestic violence fatality review committees may be comprised of, but not limited to, the following:

(1) experts in the field of forensic pathology;

(2) medical personnel with expertise in domestic violence;

(3) coroners and medical examiners;

(4) criminologists;

(5) assistant solicitors;

(6) domestic violence abuse organization staff;

- (7) legal aid attorneys who represent victims of abuse;
- (8) a representative of the local bar associations;
- (9) local and state law enforcement personnel;
- (10) representatives of local agencies that are involved with domestic violence abuse reporting;
- (11) county health department staff who deal with domestic violence victims' health issues;
- (12) representatives of local child abuse agencies; and
- (13) local professional associations of persons described in this subsection.

(D) An oral or written communication or a document shared within or produced by a domestic violence fatality review committee related to a domestic violence death is confidential and not subject to disclosure pursuant to Chapter 4, Title 30, the Freedom of Information Act, or discoverable by a third party. An oral or written communication or a document provided by a third party to a domestic violence fatality review committee is confidential and not subject to disclosure pursuant to the Freedom of Information Act or discoverable by a third party. However, recommendations of a domestic violence fatality review committee upon the completion of a review may be disclosed at the discretion of a majority of the members of the committee.

(E) Only deaths in which the investigation is closed and there is not a pending prosecution may be reviewed by a domestic violence fatality review committee.

(F) Upon request of the domestic violence fatality review committee and as necessary to carry out the committee's purpose and duties, as allowed by law, the committee immediately must be provided:

- (1) by a provider of medical care, access to information and records regarding a person whose death is being reviewed by the committee pursuant to this article;
- (2) access to all information and records maintained by any state, county, or local governmental agency including, but not limited to, birth certificates, law enforcement investigation data, county coroner or medical examiner investigation data, parole and probation information and records, and information and records of social services and health agencies that provided services to the victim, alleged perpetrator, and other household members.

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