

1 HB581
2 115680-2
3 By Representative Wood
4 RFD: Judiciary
5 First Read: 16-FEB-10

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8 SYNOPSIS: Under existing law, the coroner examines
9 the body of a deceased person and makes a report.

10 This bill would further provide for the
11 duties of coroner and deputy coroner as to
12 performing an autopsy, and obtaining possession of
13 any objects, medical specimens, or articles that
14 may be helpful in establishing the cause of death.

15 Existing law provides for the money and
16 property of the deceased to be delivered to the
17 county treasurer within 30 days by the coroner.

18 This bill would make it 90 days.

19 This bill would provide for limitation of a
20 corner's investigation.

21 Under existing law, a coroner does not have
22 the full power and authority of a peace officer.

23 This bill would give such power and
24 authority to a coroner.

25 Under existing law, a surgeon or physician
26 summoned by a coroner to make a postmortem
27 examination receives \$5 and for each mile of travel

1 receives 10 cents or to perform an autopsy or
2 internal examination, he or she receives \$25 and
3 not the \$5 for the external postmortem.

4 This bill would repeal this provision.

5 This bill would provide penalties.

6 Amendment 621 of the Constitution of Alabama
7 of 1901, now appearing as Section 111.05 of the
8 Official Recompilation of the Constitution of
9 Alabama of 1901, as amended, prohibits a general
10 law whose purpose or effect would be to require a
11 new or increased expenditure of local funds from
12 becoming effective with regard to a local
13 governmental entity without enactment by a 2/3 vote
14 unless: it comes within one of a number of
15 specified exceptions; it is approved by the
16 affected entity; or the Legislature appropriates
17 funds, or provides a local source of revenue, to
18 the entity for the purpose.

19 The purpose or effect of this bill would be
20 to require a new or increased expenditure of local
21 funds within the meaning of the amendment. However,
22 the bill does not require approval of a local
23 governmental entity or enactment by a 2/3 vote to
24 become effective because it comes within one of the
25 specified exceptions contained in the amendment.

26
27 A BILL

1 TO BE ENTITLED

2 AN ACT

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4 To amend Sections 15-4-2 and 15-4-10 of the Code of
5 Alabama 1975, relating to coroners; to provide further for the
6 duties of corner and deputy coroner; to increase the number of
7 days a coroner has to deliver the money and property of the
8 deceased to the county treasurer; to provide limitation of a
9 coroner's investigation; to give a coroner full power and
10 authority of a peace officer; to repeal Section 15-4-11 of the
11 Code of Alabama 1975, relating to fees of a physician or
12 surgeon for postmortem, autopsy, and internal examinations; to
13 provide penalties; and in connection therewith would have as
14 its purpose or effect the requirement of a new or increased
15 expenditure of local funds within the meaning of Amendment 621
16 of the Constitution of Alabama of 1901, now appearing as
17 Section 111.05 of the Official Recompilation of the
18 Constitution of Alabama of 1901, as amended.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. Sections 15-4-2, 15-4-10, and 22-9A-14 of
21 the Code of Alabama 1975, are amended to read as follows:

22 "§15-4-2.

23 "(a) ~~When a coroner has been informed that a person~~
24 ~~is dead in the county and that such person died~~ Any person
25 finding or having possession of the body of any person whose
26 death occurred without being attended or examined by a legally
27 qualified physician, ~~the coroner shall forthwith proceed to~~

1 ~~the place where the dead person is lying, shall immediately~~
2 ~~notify the coroner, or his or her deputy, who shall report to~~
3 ~~the scene within a reasonable time, or the coroner or his~~
4 ~~deputy may authorize and arrange the transport of the dead~~
5 ~~body to a designated location to examine the dead body to~~
6 ~~ascertain the cause of death and report same in the same~~
7 ~~manner as inquests are reported in order for him or her to~~
8 ~~make a determination of the identity or cause or manner of~~
9 ~~death. No person shall remove the body or remove anything from~~
10 ~~the body until directed to do so by the coroner or his or her~~
11 ~~deputy.~~

12 "(b) The coroner may take possession of any objects,
13 medical specimens, or articles which, in his or her opinion,
14 may be helpful in establishing the identity or cause or manner
15 of death, and he or she can make or cause to be made such
16 tests and examinations of the objects as may be necessary or
17 useful in determining the identity or cause or manner of
18 death. In the event that a criminal prosecution arises, all
19 such objects and articles together with reports of any
20 examinations made upon them, shall be retained by the coroner
21 until their production in evidence is required by the
22 prosecuting authority, unless otherwise directed by written
23 order of the court in which such prosecution is pending.

24 "(b)(c) When a coroner is unable to determine the
25 cause of death, he or she may summon any physician or surgeon,
26 or Alabama Department of Forensic Sciences medical examiner,
27 who shall make an external postmortem examination of the dead

1 body and report his or her opinion of the cause of death to
2 the coroner in writing.

3 ~~"(c)(d)~~ If the surgeon or physician is unable to
4 determine the cause of death from an external postmortem
5 examination and the coroner has reasonable cause to believe
6 that deceased came to his or her death by ~~unlawful~~ means
7 listed under subsection (e), the coroner may in such cases
8 order any physician or surgeon, or Alabama Department of
9 Forensic Sciences medical examiner, to perform an autopsy or
10 internal examination on the dead body, and report the findings
11 of such autopsy to the coroner in writing.

12 "(e) A coroner may require an autopsy to be
13 performed when the coroner has reasonable cause to believe
14 that the deceased came to his or her death in the following
15 circumstances:

16 "(1) When the death of a human being appears to be
17 caused by homicide or violence.

18 "(2) When the death of a human being appears to be
19 the result of suicide.

20 "(3) When the death of a human being appears to be
21 the result of the presence of drugs or poisons in the body.

22 "(4) When the death of a human being appears to be
23 the result of a motor vehicle accident and the operator of the
24 motor vehicle left the scene of the accident or the body was
25 found in or near a roadway or railroad.

26 "(5) When the death of a human being occurs while
27 the person is in a state mental institution or mental hospital

1 when there is no previous medical history to explain the
2 death, or while the person is in police custody, a jail, or
3 penal institution.

4 "(6) When the death of a human being occurs in a
5 motor vehicle accident and when an external examination of the
6 body does not reveal a lethal traumatic injury.

7 "(7) When the death of a human being appears to be
8 the result of a fire or explosion.

9 "(8) When the death of a child appears to indicate
10 child abuse prior to the death.

11 "(9) When the postmortem decomposition of a human
12 corpse exists to the extent that external examination of the
13 corpse cannot rule out injury or where the circumstances of
14 death cannot rule out the commission of a crime.

15 "(10) When the death of a human being appears to be
16 the result of drowning.

17 "(11) When the death of a human being appears to be
18 the result of an accident.

19 "(12) When the death of a human being occurs under
20 the age of 40 and there is no past medical history to explain
21 the death.

22 "(13) When the death of a human being occurs at the
23 work site and there is no apparent cause of death such as an
24 injury or when industrial toxins may have contributed to the
25 cause of death.

26 "(14) When the body is to be cremated and there is
27 no past medical history to explain the death.

1 "(15) When the death of a human being is sudden and
2 unexplained.

3 "(16) When the death of a human being occurs and the
4 decedent is not receiving treatment by a licensed physician
5 and there is no ascertainable medical history to indicate the
6 cause of death.

7 "(f) When the death occurs during hospice care, the
8 coroner or deputy coroner shall be notified of the death. The
9 coroner or deputy coroner may proceed to the scene of the
10 death for further investigation if warranted.

11 "(g) When the death of a human being occurs within a
12 medical facility within 24 hours of admission or occurs at any
13 time and the death occurs pursuant to subdivisions (1) to
14 (27), inclusive, of subsection (e), or occurs during a
15 surgical or medical procedure, the coroner or deputy coroner
16 shall be notified.

17 "(h) When the death of a human being occurs in a
18 county other than where the incident or injury surrounding
19 that death occurred the coroner shall be notified in the
20 county where the incident or injury occurred.

21 "(i) The coroner or his or her deputy coroner shall
22 direct the Department of Forensic Sciences to perform a
23 postmortem exam for any death occurring pursuant to subsection
24 (e).

25 "§15-4-10.

26 "(a) Within 30 Except as provided by Section 15-4-1
27 where a criminal prosecution is commenced, within 90 days

1 after an ~~inquest on a dead body~~ investigation, the coroner
2 ~~must shall~~ deliver to the county treasurer any money or other
3 property which may be found on or about the body, unless
4 claimed ~~in the meantime~~ by the legal representatives of the
5 deceased. ~~If he fails to do so, the treasurer may proceed~~
6 ~~against him for the amount or value thereof, on 10 days'~~
7 ~~notice to him and his sureties, or against any of them served~~
8 ~~therewith and recover the same, with 20 percent damages on the~~
9 ~~amount or value thereof.~~

10 "(b) Upon the receipt of the money by the county
11 treasurer, ~~he must place it~~ the money shall be placed to the
12 credit of the county. If it is other property, ~~he must~~ the
13 county treasurer shall sell it within three months at the
14 courthouse of the county at public auction, upon reasonable
15 public notice, and in like manner ~~must shall~~ place the
16 proceeds to the credit of the county.

17 "(c) If such money in the county treasury is
18 demanded in ~~six~~ three years by the legal representatives of
19 the deceased, the county treasurer ~~must shall~~ pay ~~it~~ the money
20 to them, after deducting the fees of the coroner, expenses of
21 sale, and five percent on the balance for the county
22 treasurer, or ~~it~~ the money may be paid at any time thereafter
23 upon the order of the county commission. If the money remains
24 the property of the county treasury, all monies shall be used
25 for the expenses of the office of coroner in addition to any
26 funds already allocated to that office.

1 Section 2. (a) An investigation by the coroner shall
2 be limited to inquiries for determining the cause and manner
3 of death, the identity of the deceased, and circumstances
4 surrounding the death.

5 (b) If the investigation by the coroner shall reveal
6 any evidence or suspicion of foul play in regard to the death,
7 he or she, in addition to the requirements of Section 15-4-2,
8 Code of Alabama 1975, shall immediately notify the law
9 enforcement agency of jurisdiction and shall cooperate fully
10 in such law enforcement agency's criminal investigation.

11 (c) When prescription medications are found at the
12 scene of an investigation by the coroner, the coroner shall
13 dispose of the prescription medications pursuant to federal
14 and state guidelines.

15 Section 3. (a) For purposes of enforcing the
16 provisions of this act, coroners who are certified by the
17 Alabama Coroners Training Commission shall have the full power
18 and authority of peace officers in this state, including the
19 power of arrest and the authority to bear arms, and shall have
20 the following powers and authority to do all of the following:

21 (1) Administer oaths.

22 (2) Seize evidence.

23 (3) Detain persons at the scene of the body.

24 (4) Require the production of medical records,
25 books, papers, documents, or other evidence.

26 (5) Employ or enter into contractual agreements with
27 special photographers.

1 (6) Expend funds for the purpose of carrying out
2 duties of the coroner under the law.

3 Section 4. A violation of this act occurs when a
4 person fails to comply with a coroner or a deputy coroner in
5 the performance of his or her duties pursuant to this act and
6 each violation is a Class C felony.

7 Section 5. Section 15-4-11 of the Code of Alabama
8 1975, is hereby specifically repealed.

9 Section 6. For purposes of this act and all other
10 laws relating to coroners, duly elected coroners or coroners
11 appropriately appointed to the office of coroner, except
12 special coroners appointed by a judge of probate pursuant to
13 law, shall be considered to be full time, regardless of
14 compensation, and shall be entitled to all benefits as any
15 other peace officer, county official, or employee should the
16 coroner participate.

17 Section 7. Although this bill would have as its
18 purpose or effect the requirement of a new or increased
19 expenditure of local funds, the bill is excluded from further
20 requirements and application under Amendment 621, now
21 appearing as Section 111.05 of the Official Recompilation of
22 the Constitution of Alabama of 1901, as amended, because the
23 bill defines a new crime or amends the definition of an
24 existing crime.

25 Section 8. This act shall become effective on the
26 first day of the third month following its passage and
27 approval by the Governor, or its otherwise becoming law.

