

1 SB148
2 144719-2
3 By Senator Holley
4 RFD: Governmental Affairs
5 First Read: 06-FEB-13

8 SYNOPSIS: Under existing law, the coroner examines the
9 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 coroner's investigation.

21 This bill would provide penalties.

22 Amendment 621 of the Constitution of Alabama
23 of 1901, now appearing as Section 111.05 of the
24 Official ReCompilation of the Constitution of
25 Alabama of 1901, as amended, prohibits a general
26 law whose purpose or effect would be to require a
27 new or increased expenditure of local funds from

1 becoming effective with regard to a local
2 governmental entity without enactment by a 2/3 vote
3 unless: it comes within one of a number of
4 specified exceptions; it is approved by the
5 affected entity; or the Legislature appropriates
6 funds, or provides a local source of revenue, to
7 the entity for the purpose.

8 The purpose or effect of this bill would be
9 to require a new or increased expenditure of local
10 funds within the meaning of the amendment. However,
11 the bill does not require approval of a local
12 governmental entity or enactment by a 2/3 vote to
13 become effective because it comes within one of the
14 specified exceptions contained in the amendment.

15
16 A BILL
17 TO BE ENTITLED
18 AN ACT
19

20 To amend Sections 15-4-2 and 15-4-10 of the Code of
21 Alabama 1975, relating to coroners; to provide further for the
22 duties of coroner and deputy coroner; to increase the number
23 of days a coroner has to deliver the money and property of the
24 deceased to the county treasurer; to provide limitation of a
25 coroner's investigation; to provide penalties; and in
26 connection therewith would have as its purpose or effect the
27 requirement of a new or increased expenditure of local funds

1 within the meaning of Amendment 621 of the Constitution of
2 Alabama of 1901, now appearing as Section 111.05 of the
3 Official Recompilation of the Constitution of Alabama of 1901,
4 as amended.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6 Section 1. Sections 15-4-2 and 15-4-10 of the Code
7 of Alabama 1975, are amended to read as follows:

8 "§15-4-2.

9 "(a) ~~When a coroner has been informed that a person~~
10 ~~is dead in the county and that such person died~~ Any person
11 finding or having possession of the body of any person whose
12 death occurred without being attended or examined by a legally
13 qualified physician, ~~the coroner shall forthwith proceed to~~
14 ~~the place where the dead person is lying,~~ shall immediately
15 notify the coroner, or his or her deputy, who shall report to
16 the scene within a reasonable time, or the coroner or his or
17 her deputy may authorize and arrange the transport of the dead
18 body to a designated location to examine the dead body ~~to~~
19 ~~ascertain the cause of death and report same in the same~~
20 ~~manner as inquests are reported~~ in order for him or her to
21 make a determination of the identity or cause or manner of
22 death. No person shall remove the body or remove anything from
23 the body until directed to do so by the coroner or his or her
24 deputy.

25 "(b) The coroner may take possession of any objects,
26 medical specimens, or articles which, in his or her opinion,
27 may be helpful in establishing the identity or cause or manner

1 of death, and he or she can make or cause to be made such
2 tests and examinations of the objects as may be necessary or
3 useful in determining the identity or cause or manner of
4 death. In the event that a criminal prosecution arises, all
5 such objects and articles together with reports of any
6 examinations made upon them, shall be retained by the coroner
7 until their production in evidence is required by the
8 prosecuting authority, unless otherwise directed by written
9 order of the court in which such prosecution is pending.

10 "~~(b)~~ (c) When a coroner is unable to determine the
11 cause of death, he or she may summon any physician or surgeon,
12 or Alabama Department of Forensic Sciences medical examiner,
13 who shall make an external postmortem examination of the dead
14 body and report his or her opinion of the cause of death to
15 the coroner in writing.

16 "~~(c)~~ (d) If the surgeon or physician is unable to
17 determine the cause of death from an external postmortem
18 examination and the coroner has reasonable cause to believe
19 that the deceased came to his or her death by ~~unlawful~~ means
20 listed under subsection (e), the coroner may in such cases
21 order any physician or surgeon, or Alabama Department of
22 Forensic Sciences medical examiner, to perform an autopsy or
23 internal examination on the dead body, and report the findings
24 of such autopsy to the coroner in writing.

25 "(e) A coroner may require an autopsy to be
26 performed when the coroner has reasonable cause to believe

1 that the deceased came to his or her death in the following
2 circumstances:

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

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

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

9 "(4) When the death of a human being appears to be
10 the result of a motor vehicle accident and the operator of the
11 motor vehicle left the scene of the accident or the body was
12 found in or near a roadway or railroad.

13 "(5) When the death of a human being occurs while
14 the person is in a state mental institution or mental hospital
15 when there is no previous medical history to explain the
16 death, or while the person is in police custody, a jail, or
17 penal institution.

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

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

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

25 "(9) When the postmortem decomposition of a human
26 corpse exists to the extent that external examination of the

1 corpse cannot rule out injury or where the circumstances of
2 death cannot rule out the commission of a crime.

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

5 "(11) When the death of an infant appears to be
6 caused by unexplained circumstances in that the infant has no
7 previous medical history to explain the death.

8 "(12) When the death of a human being occurs as a
9 result of an accident.

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

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

17 "(15) When the body is to be cremated and there is
18 no past medical history to explain the death.

19 "(16) When the death of a human being is sudden and
20 unexplained.

21 "(17) When the death of a human being occurs and the
22 decedent is not receiving treatment by a licensed physician
23 and there is no ascertainable medical history to indicate the
24 cause of death.

25 "(f) When the death occurs during hospice care, the
26 coroner or deputy coroner shall be notified of the death. The

1 coroner or deputy coroner may proceed to the scene of the
2 death for further investigation if warranted.

3 "(g) When the death of a human being occurs within a
4 medical facility within 24 hours of admission or occurs at any
5 time and the death occurs pursuant to subdivisions (1) to
6 (17), inclusive, of subsection (e), or occurs during a
7 surgical or medical procedure, the coroner or deputy coroner
8 shall be notified.

9 "(h) When the death of a human being occurs in a
10 county other than where the incident or injury surrounding
11 that death occurred, the coroner shall be notified in the
12 county where the incident or injury occurred.

13 "(i) The coroner or his or her deputy coroner may
14 direct the Department of Forensic Sciences to perform a
15 postmortem exam for any death occurring pursuant to subsection
16 (e).

17 "§15-4-10.

18 "(a) ~~Within 30~~ Except as provided by Section 15-4-1
19 where a criminal prosecution is commenced, within 90 days
20 after an ~~inquest on a dead body~~ investigation, the coroner
21 ~~must~~ shall deliver to the county treasurer any money or other
22 property which may be found on or about the body, unless
23 claimed ~~in the meantime~~ by the legal representatives of the
24 deceased. ~~If he fails to do so, the treasurer may proceed~~
25 ~~against him for the amount or value thereof, on 10 days'~~
26 ~~notice to him and his sureties, or against any of them served~~

1 ~~therewith and recover the same, with 20 percent damages on the~~
2 ~~amount or value thereof.~~

3 "(b) Upon the receipt of the money by the county
4 treasurer, ~~he must place it~~ the money shall be placed to the
5 credit of the county. If it is other property, ~~he must~~ the
6 county treasurer shall sell it within three months at the
7 courthouse of the county at public auction, upon reasonable
8 public notice, and in like manner ~~must~~ shall place the
9 proceeds to the credit of the county.

10 "(c) If such money in the county treasury is
11 demanded in ~~six~~ three years by the legal representatives of
12 the deceased, the county treasurer ~~must~~ may pay ~~it~~ the money
13 to them, after deducting the fees of the coroner, expenses of
14 sale, and five percent on the balance for the county
15 treasurer, or ~~it~~ the money may be paid at any time thereafter
16 upon the order of the county commission."

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

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

1 (c) When prescription medications are found at the
2 scene of an investigation by the coroner, the coroner may
3 retain or dispose of the prescription medications pursuant to
4 federal and state guidelines.

5 Section 3. (a) For purposes of enforcing the
6 provisions of this act, coroners shall have the following
7 powers and authority to do all of the following:

8 (1) Administer oaths.

9 (2) Seize evidence.

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

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

13 (5) Employ or enter into contractual agreements with
14 special photographers.

15 (6) Determine death and or pronounce death of a
16 human being where there is not a qualified licensed medical
17 physician present.

18 Section 4. A violation of this act occurs when
19 someone fails to comply with a coroner or a deputy coroner in
20 the performance of his or her duties pursuant to this act and
21 each violation is a Class C felony.

22 Section 5. For purposes of this act and all other
23 laws relating to coroners, duly elected coroners or coroners
24 appropriately appointed to serve, shall be considered to be
25 full time, regardless of compensation.

26 Section 6. Although this bill would have as its
27 purpose or effect the requirement of a new or increased

1 expenditure of local funds, the bill is excluded from further
2 requirements and application under Amendment 621, now
3 appearing as Section 111.05 of the Official ReCompilation of
4 the Constitution of Alabama of 1901, as amended, because the
5 bill defines a new crime or amends the definition of an
6 existing crime.

7 Section 7. This act shall become effective on the
8 first day of the third month following its passage and
9 approval by the Governor, or its otherwise becoming law.