

1 HB333  
2 149018-2  
3 By Representative McCampbell  
4 RFD: Public Safety and Homeland Security  
5 First Read: 21-FEB-13

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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) When a coroner is unable to determine the cause~~  
11 ~~of death, he may summon any physician or surgeon, who shall~~  
12 ~~make an external postmortem examination of the dead body and~~  
13 ~~report his opinion of the cause of death to the coroner in~~  
14 ~~writing.~~

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

23 "(d) A coroner may require an autopsy to be  
24 performed when the coroner has reasonable cause to believe  
25 that the deceased came to his or her death in the following  
26 circumstances:

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

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

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

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

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

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

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

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

23           "(9) When the postmortem decomposition of a human  
24 corpse exists to the extent that external examination of the  
25 corpse cannot rule out injury or where the circumstances of  
26 death cannot rule out the commission of a crime.

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

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

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

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

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

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

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

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

23           "(e) When the death occurs during hospice care, the  
24 coroner or deputy coroner shall be notified of the death. The  
25 coroner or deputy coroner may proceed to the scene of the  
26 death for further investigation if warranted.

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

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

11           "(h) The coroner or his or her deputy coroner may  
12 direct the Department of Forensic Sciences to perform a  
13 postmortem exam for any death occurring pursuant to subsection  
14 (d).

15           "§15-4-10.

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



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

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

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

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

25           (c) When prescription medications are found at the  
26 scene of an investigation by the coroner, the coroner may

1 retain or dispose of the prescription medications pursuant to  
2 federal and state guidelines.

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

6 (1) Administer oaths.

7 (2) Seize evidence.

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

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

11 (5) Employ or enter into contractual agreements with  
12 special photographers.

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

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

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

24 Section 6. Although this bill would have as its  
25 purpose or effect the requirement of a new or increased  
26 expenditure of local funds, the bill is excluded from further  
27 requirements and application under Amendment 621, now

1 appearing as Section 111.05 of the Official ReCompilation of  
2 the Constitution of Alabama of 1901, as amended, because the  
3 bill defines a new crime or amends the definition of an  
4 existing crime.

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