

FIRST REGULAR SESSION

SENATE BILL NO. 341

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WIELAND.

Read 1st time February 4, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1770S.011

AN ACT

To repeal sections 58.451 and 58.720, RSMo, and to enact in lieu thereof two new sections relating to death investigations.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 58.451 and 58.720, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 58.451 and 58.720, to read as follows:

58.451. 1. When any person, in any county in which a coroner is required by section 58.010, dies and there is reasonable ground to believe that such person died as a result of:

- (1) Violence by homicide, suicide, or accident;
- (2) Criminal abortions, including those self-induced;
- (3) Some unforeseen sudden occurrence and the deceased had not been attended by a physician during the thirty-six-hour period preceding the death;
- (4) In any unusual or suspicious manner;
- (5) Any injury or illness while in the custody of the law or while an inmate in a public institution;

the police, sheriff, law enforcement officer or official, or any person having knowledge of such a death shall immediately notify the coroner of the known facts concerning the time, place, manner and circumstances of the death. Immediately upon receipt of notification, the coroner or deputy coroner shall take charge of the dead body and fully investigate the essential facts concerning the medical causes of death, including whether by the act of man, and the manner of death. The coroner or deputy coroner may take the names and addresses of witnesses to the death and shall file this information in the coroner's office. The coroner or deputy

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 coroner shall take possession of all property of value found on the body, making
20 exact inventory of such property on the report and shall direct the return of such
21 property to the person entitled to its custody or possession. The coroner or
22 deputy coroner shall take possession of any object or article which, in the
23 coroner's or the deputy coroner's opinion, may be useful in establishing the cause
24 of death, and deliver it to the prosecuting attorney of the county.

25 2. When a death occurs outside a licensed health care facility, the first
26 licensed medical professional or law enforcement official learning of such death
27 shall immediately contact the county coroner. Immediately upon receipt of such
28 notification, the coroner or the coroner's deputy shall make the determination if
29 further investigation is necessary, based on information provided by the
30 individual contacting the coroner, and immediately advise such individual of the
31 coroner's intentions.

32 3. **Notwithstanding the provisions of subsection 2 of this section,**
33 **when a death occurs under the care of a hospice, no investigation shall**
34 **be required if the death is certified by the treating physician of the**
35 **deceased or the medical director of the hospice as not being the result**
36 **of suspicious circumstances. The hospice shall provide written notice**
37 **to the coroner within twenty-four hours of the death.**

38 4. Upon taking charge of the dead body and before moving the body the
39 coroner shall notify the police department of any city in which the dead body is
40 found, or if the dead body is found in the unincorporated area of a county
41 governed by the provisions of sections 58.451 to 58.457, the coroner shall notify
42 the county sheriff or the highway patrol and cause the body to remain unmoved
43 until the police department, sheriff or the highway patrol has inspected the body
44 and the surrounding circumstances and carefully noted the appearance, the
45 condition and position of the body and recorded every fact and circumstance
46 tending to show the cause and manner of death, with the names and addresses
47 of all known witnesses, and shall subscribe the same and make such record a part
48 of the coroner's report.

49 [4.] 5. In any case of sudden, violent or suspicious death after which the
50 body was buried without any investigation or autopsy, the coroner, upon being
51 advised of such facts, may at the coroner's own discretion request that the
52 prosecuting attorney apply for a court order requiring the body to be exhumed.

53 [5.] 6. The coroner may certify the cause of death in any case where
54 death occurred without medical attendance or where an attending physician

55 refuses to sign a certificate of death or when a physician is unavailable to sign
56 a certificate of death.

57 [6.] 7. When the cause of death is established by the coroner, the coroner
58 shall file a copy of the findings in the coroner's office within thirty days.

59 [7.] 8. If on view of the dead body and after personal inquiry into the
60 cause and manner of death, the coroner determines that a further examination
61 is necessary in the public interest, the coroner on the coroner's own authority may
62 make or cause to be made an autopsy on the body. The coroner may on the
63 coroner's own authority employ the services of a pathologist, chemist, or other
64 expert to aid in the examination of the body or of substances supposed to have
65 caused or contributed to death, and if the pathologist, chemist, or other expert is
66 not already employed by the city or county for the discharge of such services, the
67 pathologist, chemist, or other expert shall, upon written authorization of the
68 coroner, be allowed reasonable compensation, payable by the city or county, in the
69 manner provided in section 58.530. The coroner shall, at the time of the autopsy,
70 record or cause to be recorded each fact and circumstance tending to show the
71 condition of the body and the cause and manner of death.

72 [8.] 9. If on view of the dead body and after personal inquiry into the
73 cause and manner of death, the coroner considers a further inquiry and
74 examination necessary in the public interest, the coroner shall make out the
75 coroner's warrant directed to the sheriff of the city or county requiring the sheriff
76 forthwith to summon six good and lawful citizens of the county to appear before
77 the coroner, at the time and place expressed in the warrant, and to inquire how
78 and by whom the deceased died.

79 [9.] 10. (1) When a person is being transferred from one county to
80 another county for medical treatment and such person dies while being
81 transferred, or dies while being treated in the emergency room of the receiving
82 facility the place which the person is determined to be dead shall be considered
83 the place of death and the county coroner or medical examiner of the county from
84 which the person was originally being transferred shall be responsible for
85 determining the cause and manner of death for the Missouri certificate of death.

86 (2) The coroner or medical examiner in the county in which the person is
87 determined to be dead may with authorization of the coroner or medical examiner
88 from the original transferring county, investigate and conduct postmortem
89 examinations at the expense of the coroner or medical examiner from the original
90 transferring county. The coroner or medical examiner from the original

91 transferring county shall be responsible for investigating the circumstances of
92 such and completing the Missouri certificate of death. The certificate of death
93 shall be filed in the county where the deceased was pronounced dead.

94 (3) Such coroner or medical examiner of the county where a person is
95 determined to be dead shall immediately notify the coroner or medical examiner
96 of the county from which the person was originally being transferred of the death
97 of such person, and shall make available information and records obtained for
98 investigation of the death.

99 (4) If a person does not die while being transferred and is
100 institutionalized as a regularly admitted patient after such transfer and
101 subsequently dies while in such institution, the coroner or medical examiner of
102 the county in which the person is determined to be dead shall immediately notify
103 the coroner or medical examiner of the county from which such person was
104 originally transferred of the death of such person. In such cases, the county in
105 which the deceased was institutionalized shall be considered the place of death.
106 If the manner of death is by homicide, suicide, accident, criminal abortion
107 including those that are self-induced, child fatality, or any unusual or suspicious
108 manner, the investigation of the cause and manner of death shall revert to the
109 county of origin, and this coroner or medical examiner shall be responsible for the
110 Missouri certificate of death. The certificate of death shall be filed in the county
111 where the deceased was pronounced dead.

112 [10.] 11. There shall not be any statute of limitations or time limits on
113 the cause of death when death is the final result or determined to be caused by
114 homicide, suicide, accident, child fatality, criminal abortion including those
115 self-induced, or any unusual or suspicious manner. The place of death shall be
116 the place in which the person is determined to be dead. The final investigation
117 of death in determining the cause and matter of death shall revert to the county
118 of origin, and the coroner or medical examiner of such county shall be responsible
119 for the Missouri certificate of death. The certificate of death shall be filed in the
120 county where the deceased was pronounced dead.

121 [11.] 12. Except as provided in subsection [9] 10 of this section, if a
122 person dies in one county and the body is subsequently transferred to another
123 county, for burial or other reasons, the county coroner or medical examiner where
124 the death occurred shall be responsible for the certificate of death and for
125 investigating the cause and manner of the death.

126 [12.] 13. In performing the duties, the coroner or medical examiner shall

127 comply with sections 58.775 to 58.785 with respect to organ donation.

58.720. 1. When any person dies within a county having a medical
2 examiner as a result of:

3 (1) Violence by homicide, suicide, or accident;

4 (2) Thermal, chemical, electrical, or radiation injury;

5 (3) Criminal abortions, including those self-induced;

6 (4) Disease thought to be of a hazardous and contagious nature or which
7 might constitute a threat to public health; or when any person dies:

8 (a) Suddenly when in apparent good health;

9 (b) When unattended by a physician, chiropractor, or an accredited
10 Christian Science practitioner, during the period of thirty-six hours immediately
11 preceding his death;

12 (c) While in the custody of the law, or while an inmate in a public
13 institution;

14 (d) In any unusual or suspicious manner;

15 the police, sheriff, law enforcement officer or official, or any person having
16 knowledge of such a death shall immediately notify the office of the medical
17 examiner of the known facts concerning the time, place, manner and
18 circumstances of the death. Immediately upon receipt of notification, the medical
19 examiner or his designated assistant shall take charge of the dead body and fully
20 investigate the essential facts concerning the medical causes of death. He may
21 take the names and addresses of witnesses to the death and shall file this
22 information in his office. The medical examiner or his designated assistant shall
23 take possession of all property of value found on the body, making exact inventory
24 thereof on his report and shall direct the return of such property to the person
25 entitled to its custody or possession. The medical examiner or his designated
26 assistant examiner shall take possession of any object or article which, in his
27 opinion, may be useful in establishing the cause of death, and deliver it to the
28 prosecuting attorney of the county.

29 2. When a death occurs outside a licensed health care facility, the first
30 licensed medical professional or law enforcement official learning of such death
31 shall contact the county medical examiner. Immediately upon receipt of such
32 notification, the medical examiner or the medical examiner's deputy shall make
33 a determination if further investigation is necessary, based on information
34 provided by the individual contacting the medical examiner, and immediately
35 advise such individual of the medical examiner's intentions.

36 3. **Notwithstanding the provisions of subsection 2 of this section,**
37 **when a death occurs under the care of a hospice, no investigation shall**
38 **be required if the death is certified by the treating physician of the**
39 **deceased or the medical director of the hospice as not being the result**
40 **of suspicious circumstances. The hospice shall provide written notice**
41 **to the medical examiner within twenty-four hours of the death.**

42 4. In any case of sudden, violent or suspicious death after which the body
43 was buried without any investigation or autopsy, the medical examiner, upon
44 being advised of such facts, may at his own discretion request that the
45 prosecuting attorney apply for a court order requiring the body to be exhumed.

46 [4.] 5. The medical examiner shall certify the cause of death in any case
47 where death occurred without medical attendance or where an attending
48 physician refuses to sign a certificate of death, and may sign a certificate of death
49 in the case of any death.

50 [5.] 6. When the cause of death is established by the medical examiner,
51 he shall file a copy of his findings in his office within thirty days after notification
52 of the death.

53 [6.] 7. (1) When a person is being transferred from one county to another
54 county for medical treatment and such person dies while being transferred, or
55 dies while being treated in the emergency room of the receiving facility, the place
56 which the person is determined to be dead shall be considered the place of death
57 and the county coroner or the medical examiner of the county from which the
58 person was originally being transferred shall be responsible for determining the
59 cause and manner of death for the Missouri certificate of death.

60 (2) The coroner or medical examiner in the county in which the person is
61 determined to be dead may, with authorization of the coroner or medical
62 examiner from the transferring county, investigate and conduct postmortem
63 examinations at the expense of the coroner or medical examiner from the
64 transferring county. The coroner or medical examiner from the transferring
65 county shall be responsible for investigating the circumstances of such and
66 completing the Missouri certificate of death. The certificate of death shall be filed
67 in the county where the deceased was pronounced dead.

68 (3) Such coroner or medical examiner, or the county where a person is
69 determined to be dead, shall immediately notify the coroner or medical examiner
70 of the county from which the person was originally being transferred of the death
71 of such person and shall make available information and records obtained for

72 investigation of death.

73 (4) If a person does not die while being transferred and is
74 institutionalized as a regularly admitted patient after such transfer and
75 subsequently dies while in such institution, the coroner or medical examiner of
76 the county in which the person is determined to be dead shall immediately notify
77 the coroner or medical examiner of the county from which such person was
78 originally transferred of the death of such person. In such cases, the county in
79 which the deceased was institutionalized shall be considered the place of death.
80 If the manner of death is by homicide, suicide, accident, criminal abortion
81 including those that are self-induced, child fatality, or any unusual or suspicious
82 manner, the investigation of the cause and manner of death shall revert to the
83 county of origin, and this coroner or medical examiner shall be responsible for the
84 Missouri certificate of death. The certificate of death shall be filed in the county
85 where the deceased was pronounced dead.

86 [7.] 8. There shall not be any statute of limitations or time limits on
87 cause of death when death is the final result or determined to be caused by
88 homicide, suicide, accident, criminal abortion including those self-induced, child
89 fatality, or any unusual or suspicious manner. The place of death shall be the
90 place in which the person is determined to be dead, but the final investigation of
91 death determining the cause and manner of death shall revert to the county of
92 origin, and this coroner or medical examiner shall be responsible for the Missouri
93 certificate of death. The certificate of death shall be filed in the county where the
94 deceased was pronounced dead.

95 [8.] 9. Except as provided in subsection [6] 7 of this section, if a person
96 dies in one county and the body is subsequently transferred to another county,
97 for burial or other reasons, the county coroner or medical examiner where the
98 death occurred shall be responsible for the certificate of death and for
99 investigating the cause and manner of the death.

100 [9.] 10. In performing the duties, the coroner or medical examiner shall
101 comply with sections 58.775 to 58.785 with respect to organ donation.

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