

Introduced: 3/25/69
Referred: Judiciary and
Finance

1 IN THE HOUSE

BY CROFT

2 HOUSE BILL NO. 335

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the duties of coroner and conserva-
7 tor of decedent's effects."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 12.65.020 is amended to read:

10 Sec. 12.65.020. DUTIES. When a person dies unattended by a
11 physician, or when no physician is prepared to execute the certificate
12 of death prescribed by the Vital Statistics Act, the coroner [DISTRICT
13 MAGISTRATE OR DEPUTY MAGISTRATE] assigned to serve the place where the
14 death occurs may, by written order, direct a medical examiner to view
15 the remains of the deceased person and to perform the post mortem exam-
16 ination, including an autopsy, as is, in the opinion of the medical
17 examiner, necessary to make a proper determination of the cause of death
18 and to execute the prescribed death certificate. Upon the completion of
19 the examination, the examiner shall, without delay, submit a report of
20 his findings and conclusions to the coroner [DISTRICT MAGISTRATE OR
21 DEPUTY MAGISTRATE]. The coroner [MAGISTRATE] shall order an inquest
22 under this chapter if the findings and conclusions of the medical ex-
23 aminer, together with other information available to the coroner
24 [MAGISTRATE], warrant the inquest. Otherwise he shall enter an order
25 dispensing with the inquest and shall record the certificate of death
26 as prescribed by law.

27 * Sec. 2. AS 12.65.030 is repealed and re-enacted to read:

28 Sec. 12.65.030. CORONER. (a) The commissioner of public safety
29 shall designate persons to serve as coroners in each judicial district

1 of the state, and may designate a state trooper or other department
2 personnel as deputy coroners. In the absence of a coroner, a deputy
3 coroner shall exercise the authority and perform the duties of the
4 office.

5 (b) In the absence of a coroner or deputy coroner as provided in
6 (a) of this section, a magistrate shall serve as ex officio coroner and
7 shall exercise the authority and perform the duties of the office.

8 * Sec. 3. AS 12.65.070 is amended to read:

9 Sec. 12.65.070. SUBPOENA AND EXAMINATION OF WITNESSES. In ac-
10 cordance with AS 44.62.430 the coroner [THE MAGISTRATE OR DEPUTY MAGIS-
11 TRATE] may subpoena and examine as witnesses persons who, in his
12 opinion, have knowledge of the material facts, and also an appointed
13 medical examiner when available, or otherwise a physician, who shall
14 examine the body and give professional opinion as to the cause of the
15 death. A record of the testimony shall be made. A witness served with
16 a subpoena may be compelled to attend and to testify, or be punished for
17 contempt in accordance with AS 44.62.590. [THE TESTIMONY SHALL BE RE-
18 DUCE TO WRITING.]

19 * Sec. 4. AS 12.65.090 is repealed and re-enacted to read:

20 Sec. 12.65.090. CORONER'S WARRANT FOR ARREST. If the jury finds
21 that a crime was committed in the killing, and also charges a person
22 with the commission of the crime, the coroner shall immediately request
23 the issuance of a warrant for the arrest of that person, from a Court
24 of Competent jurisdiction.

25 * Sec. 5. AS 12.65.110 is amended to read:

26 Sec. 12.65.110. PROPERTY ON BODY. If money or other property is
27 found on the body, the coroner [MAGISTRATE] shall make an inventory of
28 it for his records and take it into his possession. He shall, within
29 30 days after the inquest, transmit a certified copy of the inventory

1 and the money or property to the clerk of the superior court. The clerk
2 shall cause the property to be sold as upon execution and shall deduct
3 the expenses of the sale from the proceeds. He shall deposit the re-
4 mainder of the proceeds of the sale and any money delivered to him by
5 the coroner [MAGISTRATE] in the same manner as money collected on judg-
6 ments in favor of the state.

7 * Sec. 6. AS 13.20 is amended by adding a new section to read:

8 AS 13.20.105 DUTY OF CORONER. The coroner shall appoint as
9 temporary conservator of the estate of a deceased person a relative of
10 suitable age and discretion who is willing and able to serve until a
11 legal custodian is appointed. He shall give preference to a surviving
12 spouse, an eldest child, or next of kin, in that order. If no such
13 relative is willing and able to serve in that capacity, the coroner or
14 his designee in the Alaska Department of Public Safety shall serve.
15 Every temporary conservator shall make an inventory of the decedent's
16 assets. He shall, within 30 days, transmit a certified copy of the
17 inventory to the clerk of the superior court.

18 * Sec. 7. AS 22.15.110(1) and (3) are repealed.
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