

Introduced: 1/11/73  
Referred: Health, Welfare &  
Education and Judiciary

1 IN THE HOUSE

BY FRITZ

2 HOUSE BILL NO. 44

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to medical examiners and coroner's  
7 inquests."

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

9 \* Section 1. AS 12.65 is repealed and re-enacted to read:

10 CHAPTER 65. MEDICAL EXAMINERS AND CORONER'S INQUEST.

11 Sec. 12.65.011. BOARD OF MEDICAL EXAMINERS. There is the Board  
12 of Medical Examiners in the Department of Health and Social Services.  
13 The board consists of seven members, including the state attorney  
14 general, the commissioner of health and social services, the director  
15 of the division of state troopers of the Department of Public Safety,  
16 the president of the state medical association, or their respective  
17 designees, and three members appointed by the governor. Of the three  
18 members appointed by the governor, one shall be a superior court judge,  
19 one shall be a chief of police of a city of at least 10,000 population,  
20 and the third shall be a member of the general public. The appointed  
21 members shall serve for two-year terms. The chairman shall be elected  
22 by the members of the board. The board shall meet at least biannually.

23 Sec. 12.65.021. APPOINTMENT OF MEDICAL EXAMINERS. The board  
24 shall appoint a chief medical examiner and district medical examiners  
25 for the state, and assistant medical examination personnel which it  
26 considers necessary. The chief medical examiner and district medical  
27 examiners shall be pathologists, or in areas where none is available,  
28 doctors of medicine licensed in the state. Assistant medical examina-  
29 tion personnel may include technical, professional, or clerical

2 personnel necessary for the proper administration of this chapter. The  
3 salary of the chief medical examiner, district medical examiners, and  
4 assistant medical examination personnel shall be determined by the  
5 board.

6 Sec. 12.65.031. REGULATIONS. The board shall adopt and publish  
7 regulations that are necessary to carry out the provisions of this  
8 chapter.

9 Sec. 12.65.041. DUTIES OF MEDICAL EXAMINERS. (a) A medical  
10 examiner shall investigate all deaths occurring in the following  
11 categories:

- 12 (1) violent death, whether homicide, suicide or accident;
- 13 (2) death of a person unattended by physicians, including  
14 those persons dead on arrival at hospitals and those whose hospitaliza-  
15 tion was not of sufficient duration to establish a cause of death;
- 16 (3) death under suspicious circumstances;
- 17 (4) death of an inmate at a public institution not hospitalized  
18 for organic disease at the time of death;
- 19 (5) death related to occupational disease or accident; and
- 20 (6) death related to a disease which might constitute a  
21 threat to public health.

22 (b) Only a physician has the authority to sign a death certificate  
23 involving a death specified in (a) of this section.

24 (c) Medical examiners may provide assistance to law enforcement  
25 and other public agencies in examinations and investigations, including  
26 the investigation of crimes not involving death.

27 Sec. 12.65.051. AUTOPSY. When, in the opinion of the medical  
28 examiner, an autopsy is necessary in the investigation of a death  
29 occurring in one of the categories in sec. 41(a) of this chapter, the  
30 medical examiner may order the autopsy. District attorneys, the

1 division of state troopers, and municipal police departments may request  
2 autopsies of the medical examiner in appropriate cases. An autopsy  
3 under this section may be as extensive as necessary to determine cause  
4 of death.

5 Sec. 12.65.061. RECORDS. The chief medical examiner and district  
6 medical examiners shall maintain records and reports of medical examina-  
7 tions performed and other actions taken by their offices. Copies of  
8 autopsy reports and other records shall be available to law enforcement  
9 agencies, district attorneys and public defenders. Copies may also be  
10 made available to members of decedent's family and to private attorneys  
11 and insurance companies for a reasonable fee to cover the cost of making  
12 the copies.

13 Sec. 12.65.071. INQUEST. When, in the opinion of the medical  
14 examiner, an inquest is necessary to establish the circumstances of a  
15 death, the medical examiner may request the district court or local  
16 magistrate to convene an inquest.

17 Sec. 12.65.081. SUMMONING JURORS FOR INQUEST. If an inquest is  
18 warranted, the district judge or magistrate shall immediately summon  
19 six persons qualified by law to serve as jurors to appear before him at  
20 a specified place to inquire into the cause of the death.

21 Sec. 12.65.091. OATH OF INQUEST JURORS. When six jurors attend,  
22 they shall be sworn by the coroner to inquire who the person was and  
23 when, where, and by what means he came to his death, and to inquire into  
24 the circumstances attending his death, and to give a true verdict  
25 according to the evidence offered them or arising from the inspection  
26 of the body.

27 Sec. 12.65.101. SUBPOENA AND EXAMINATION OF WITNESSES. The  
28 district judge or magistrate may subpoena and examine as witnesses  
29 persons who, in his opinion, have knowledge of the material facts, and

1 also the appointed medical examiner who shall give professional opinion  
2 as to the cause of the death. The testimony shall be reduced to writing.

3 Sec. 12.65.111. VERDICT OF INQUEST JURY. After hearing the testi-  
4 mony, the jury or two-thirds of their number shall give its written  
5 verdict, signed by them and setting out

6 (1) the name of the person killed and when, where, and by  
7 what means he came to his death; and

8 (2) if he was killed or his death was occasioned by the act  
9 of another by criminal means, who is guilty.

10 Sec. 12.65.121. WARRANT FOR ARREST OF PERSON CAUSING DEATH. If  
11 the jury finds that a crime was committed in the killing, and also  
12 charges a person with the commission of the crime, the district judge  
13 or magistrate shall immediately issue a warrant for the arrest of that  
14 person.

15 Sec. 12.65.131. BURIAL OF BODY. When a district judge or magis-  
16 trate holds an inquest upon the body of a stranger or pauper, and no  
17 friend or relative appears to claim the body for burial, and no provision  
18 is made for the body under AS 13.50, the district judge or magistrate  
19 shall notify the Department of Health and Social Services which shall  
20 cause the body to be plainly and decently buried.

21 Sec. 12.65.141. PROPERTY ON BODY. If money or other property is  
22 found on the body, the judge or magistrate shall make an inventory of it  
23 for his records and take it into his possession. He shall, within 30  
24 days after the inquest, transmit a certified copy of the inventory and  
25 the money or property to the clerk of the superior court. The clerk  
26 shall cause the property to be sold as upon execution and shall deduct  
27 the expenses of the sale from the proceeds. He shall deposit the  
28 remainder of the proceeds of the sale and any money delivered to him by  
29 the judge or magistrate in the same manner as money collected on

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judgments in favor of the state.