

Introduced: 3/24/75
Referred: Health, Education &
Social Services and Judiciary

1 IN THE HOUSE

BY SULLIVAN

2 HOUSE BILL NO. 325

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH 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 AS 12.65.010 - 12.65.110 are repealed.

10 * Sec. 2. AS 12.65 is amended by adding new sections to read:

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

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

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

1 personnel may include technical, professional, or clerical personnel
2 necessary for the proper administration of this chapter. The salary
3 of the chief medical examiner, district medical examiners, and assis-
4 tant medical examination personnel shall be determined by the board.

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

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

- 11 (1) violent death, whether homicide, suicide or accident;
- 12 (2) death of a person unattended by a physician, including
13 a person dead on arrival at a hospital and a person whose hospitaliza-
14 tion was not of sufficient duration to establish a cause of death;
- 15 (3) death under suspicious circumstances;
- 16 (4) death of an inmate at a public institution not hospital-
17 ized for organic disease at the time of death;
- 18 (5) death related to occupational disease or accident;
- 19 (6) death related to a disease which might constitute a
20 threat to public health; and
- 21 (7) death of a person with a medically important disease
22 when there is no next of kin.

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

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

28 Sec. 12.65.051. AUTOPSY. When, in the opinion of the medical
29 examiner, an autopsy is necessary in the investigation of a death

1 occurring in one of the categories in sec. 41(a) of this chapter, the
2 medical examiner may order the autopsy, even over the objection of the
3 next of kin. District attorneys, the division of state troopers, and
4 municipal police departments may request autopsies of the medical
5 examiner in appropriate cases. An autopsy under this section may be
6 as extensive as is considered necessary by the medical examiner.

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

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

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

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

29 Sec. 12.65.101. SUBPOENA AND EXAMINATION OF WITNESSES. The

1 district judge or magistrate may subpoena and examine as witnesses
2 persons who, in his opinion, have knowledge of the material facts,
3 and also the appointed medical examiner who shall give professional
4 opinion as to the cause of the death. The testimony shall be reduced
5 to writing.

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

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

11 (2) if he was killed or his death was occasioned by the act
12 of another by criminal means.

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

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

25 Sec. 12.65.141. PROPERTY ON BODY. If money or other property
26 is found on the body, the judge or magistrate shall make an inventory
27 of it for his records and take it into his possession. He shall,
28 within 30 days after the inquest, transmit a certified copy of the
29 inventory and the money or property to the clerk of the superior court.

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The clerk shall cause the property to be sold as upon execution and shall deduct the expenses of the sale from the proceeds. He shall deposit the remainder of the proceeds of the sale and any money delivered to him by the judge or magistrate in the same manner as money collected on judgments in favor of the state.

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