

1 IN THE SENATE

BY BRADLEY AND COLLETTA

2 SENATE BILL NO.349

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 inquiries into deaths; establishing
7 the office of state medical examiner; and providing for
8 an effective date."

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

10 * Section 1. AS 18 is amended by adding a new chapter to read:

11 CHAPTER 52. STATE MEDICAL EXAMINER.

12 Sec. 18.52.010. OFFICE OF STATE MEDICAL EXAMINER. There is
13 established in the Department of Health and Social Services the office
14 of the state medical examiner. The principal executive officer is the
15 state medical examiner. The office shall be funded by appropriations to
16 the Department of Health and Social Services.

17 Sec. 18.52.020. STATE MEDICAL EXAMINER BOARD. There is established
18 the Board of State Medical Examiners consisting of the attorney general,
19 the commissioner of health and social services, and the commissioner of
20 public safety. The board shall appoint the state medical examiner in
21 accordance with the provisions of sec. 30 of this chapter. The board,
22 after consulting with the state medical examiner, shall adopt regulations
23 to implement the provisions of this chapter.

24 Sec. 18.52.030. APPOINTMENT OF STATE MEDICAL EXAMINER AND ASSIS-
25 TANTS. The state medical examiner shall be appointed by and serve at
26 the pleasure of the Board of State Medical Examiners. The state medical
27 examiner, an exempt employee under AS 37.25.110, shall be a pathologist
28 licensed to practice medicine in this state and shall have at least two
29 years of experience in forensic pathology. The state medical examiner

1 may appoint assistant medical examiners necessary to carry out the
2 provisions of this chapter. The state medical examiner shall establish
3 qualifications required for assistant medical examiners.

4 Sec. 18.52.040. POWERS AND DUTIES OF MEDICAL EXAMINER AND ASSIS-
5 TANTS. (a) The state medical examiner shall

6 (1) file and maintain reports on all deaths requiring investi-
7 gation under this chapter;

8 (2) approve facilities and laboratories to be used in investi-
9 gations under this chapter;

10 (3) conduct death investigation training programs for assis-
11 tant medical examiners and law enforcement personnel;

12 (4) establish uniform forensic autopsy and medico-legal death
13 investigation procedures; and

14 (5) certify the cause and manner of all deaths requiring
15 investigation under this chapter.

16 (b) The state medical examiner may

17 (1) perform or direct the performance of an autopsy in any
18 death requiring investigation under this chapter;

19 (2) amend a previously completed death certificate in a death
20 requiring investigation under this chapter;

21 (3) order a body exhumed in a death requiring investigation
22 under this chapter;

23 (4) request the assistance of law enforcement personnel in
24 carrying out the provisions of this chapter;

25 (5) appoint or hire staff, including technical, professional,
26 or clerical personnel, necessary for the administration of this chapter.

27 (c) An assistant medical examiner shall

28 (1) immediately notify the state medical examiner of the
29 occurrence of a death requiring investigation under this chapter;

1 (2) upon determination of the cause and manner of a death
2 requiring investigation under this chapter, file a written report of his
3 determination with the state medical examiner and the district attorney
4 in whose district the death occurred; and

5 (3) perform other duties as directed by the state medical
6 examiner.

7 Sec. 18.52.050. DEATHS REQUIRING DETERMINATION AND CERTIFICATION
8 OF CAUSE AND MANNER. The office of the state medical examiner shall
9 determine and certify the cause and manner of any human death which

10 (1) is apparently homicidal, suicidal, accidental, or occur-
11 ring under unknown circumstances;

12 (2) occurs when the deceased was unattended by a physician
13 during the period immediately preceding his death;

14 (3) occurs when attended by a physician, if the cause and
15 manner of death are unknown;

16 (4) is related to a disease which might constitute a threat
17 to the public health; or

18 (5) occurs while the deceased was an inmate of a public
19 institution or in police custody, except when hospitalized for an
20 organic disease at the time of death.

21 Sec. 18.52.060. NOTIFICATION OF DEATH REQUIRED. Any person
22 having knowledge of a death requiring investigation under this chapter
23 shall immediately notify a medical examiner.

24 Sec. 18.52.070. AUTOPSY. If necessary to determine the cause
25 and manner of death, or if requested by the district attorney or the
26 investigating law enforcement agency, an autopsy shall be performed by
27 a medical examiner. A description of the findings and conclusions of
28 the autopsy shall be filed in the office of the state medical examiner
29 and with the office of the district attorney for the district in which

1 the death occurred. An autopsy under this section shall be performed in
2 accordance with uniform procedures prescribed by the state medical
3 examiner.

4 Sec. 18.52.080. DISPOSITION OF BODY. (a) No person, except an
5 investigating peace officer, may move the body in a death requiring
6 investigation under this chapter until authorized by a medical examiner.

7 (b) No person may bury or otherwise dispose of the body in a
8 death requiring investigation under this chapter unless a death certi-
9 ficate has been completed and signed by a medical examiner.

10 (c) When a medical examiner certifies the cause and manner of
11 death of a stranger or pauper, and no friend or relative appears to
12 claim the body for burial, and no provision is made for the body under
13 AS 13.50, the state medical examiner shall notify the Department of
14 Health and Social Services which shall cause the body to be decently
15 buried or cremated and the remains decently interred.

16 Sec. 18.52.110. DEFINITIONS. In this chapter,

17 (1) "board" means the Board of State Medical Examiners;

18 (2) "medical examiner" means the state medical examiner and
19 assistant medical examiners;

20 (3) "office" means the office of the state medical examiner;

21 (4) "pathologist" means a physician currently licensed to
22 practice medicine and certified by the American Board of Pathology.

23 * Sec. 2. AS 12.65 is amended by adding a new section to read:

24 Sec. 12.65.045. ORDER OF INQUEST. A district judge or magistrate
25 may on his own motion, and shall upon application by a district attorney,
26 medical examiner or investigating law enforcement agency, order an
27 inquest into the cause and manner of a death requiring investigation
28 under AS 18.52.

29 * Sec. 3. AS 12.65.050 is amended to read:

1 Sec. 12.65.050. SUMMONING JURORS FOR INQUEST. If an inquest is
2 warranted, the district judge or magistrate [CORONER] shall immediately
3 summon six persons qualified by law to serve as jurors to appear before
4 him at a specified place to inquire into the cause and manner of the
5 death.

6 * Sec. 4. AS 12.65.060 is amended to read:

7 Sec. 12.65.060. OATH OF INQUEST JURORS. When six jurors attend,
8 they shall be sworn by the district judge or magistrate [CORONER] to
9 inquire who the person was and when, where, and by what means he came
10 to his death, to inquire into the circumstances attending his death,
11 and to give a true verdict according to the evidence offered them or
12 arising from the inspection of the body.

13 * Sec. 5. AS 12.65.070 is amended to read:

14 Sec. 12.65.070. SUBPOENA AND EXAMINATION OF WITNESSES. The
15 district judge or magistrate or a district attorney may subpoena and
16 examine as witnesses persons who, in his opinion, have knowledge of
17 the material facts [, AND ALSO AN APPOINTED MEDICAL EXAMINER WHEN
18 AVAILABLE, OR OTHERWISE A PHYSICIAN, WHO SHALL EXAMINE THE BODY AND
19 GIVE PROFESSIONAL OPINION AS TO THE CAUSE OF THE DEATH]. The testimony
20 shall be reduced to writing.

21 * Sec. 6. AS 12.65.090 is amended to read:

22 Sec. 12.65.090. WARRANT FOR ARREST OF PERSON CAUSING DEATH. If
23 the jury finds probable cause to believe that a crime was committed in
24 the killing, and also charges a person with the commission of the crime,
25 the [CORONER, AS A] district judge or magistrate [,] shall immediately
26 issue a warrant for the arrest of that person.

27 * Sec. 7. AS 12.65.100 is amended to read:

28 Sec. 12.65.100. BURIAL OF BODY. When a district judge or
29 magistrate [CORONER] holds an inquest upon a body of a stranger or

1 pauper, and no friend or relative appears to claim the body for burial,
2 and no provision is made for the body under AS 13.50, the judge or
3 magistrate [CORONER] shall notify the Department of Health and Social
4 Services which shall cause the body to be [PLAINLY AND] decently buried
5 or cremated and the remains decently interred.

6 * Sec. 8. AS 18.50.230(a) is amended to read:

7 (a) A death certificate for each death which occurs in the state
8 shall be filed with the local registrar of the registration district in
9 which the death occurred within three days after death and before final
10 disposition of the body or removal of the body from the state, except
11 as provided in AS 18.52 or by regulation [IN SPECIAL PROBLEM CASES].

12 For the purpose of this section, if the place of death is unknown, a
13 death certificate shall be filed in the registration district in which
14 the dead body is found. When a death occurs on a moving conveyance a
15 death certificate shall be filed in the registration district in which
16 the dead body is first removed from the conveyance.

17 * Sec. 9. AS 18.50.230(c) is amended to read:

18 (c) The medical certification shall be completed and signed within
19 24 hours after death by the physician in charge of the patient's care
20 for the illness or condition which resulted in death except when the
21 death requires investigation under AS 18.52 [AN OFFICIAL INQUIRY OR
22 INQUEST IS REQUIRED] and except as provided by regulation [IN SPECIAL
23 PROBLEM CASES].

24 * Sec. 10. AS 18.50.230(d) is amended to read:

25 (d) When a death occurs without medical attendance, or when
26 investigation under AS 18.52 [OFFICIAL INQUIRY] is required, the depart-
27 ment shall provide by regulation, in accordance with law, the responsi-
28 bility for completing and signing the medical certification. This
29 subsection is intended to include, among others, cases involving a

1 medical examiner [OR A CORONER], and cases involving presumption of
2 death.

3 * Sec. 11. AS 18.50.240(a) is amended to read:

4 (a) A fetal death certificate for each fetal death which occurs
5 in the state shall be filed with the local registrar of the registration
6 district in which the delivery occurred within three days after the
7 delivery and before final disposition of the fetus or removal of the
8 fetus from the state, except as provided by regulation [IN SPECIAL
9 PROBLEM CASES]. However, the filing of a certificate for a product of
10 a pregnancy of less than 20 weeks may be determined by regulation. For
11 the purposes of this section, if the place of fetal death is unknown,
12 a fetal death certificate shall be filed in the registration district
13 in which the dead fetus is found. When a fetal death occurs on a
14 moving conveyance a fetal death certificate shall be filed in the regis-
15 tration district in which the fetus is first removed from the conveyance.

16 * Sec. 12. AS 18.50.240(c) is amended to read:

17 (c) The medical certification shall be completed and signed
18 within 24 hours after delivery by the physician in attendance at or
19 after delivery except when an investigation is required under AS 18.52
20 [OFFICIAL INQUIRY OR INQUEST IS REQUIRED] and except as provided by
21 regulation [IN SPECIAL PROBLEM CASES].

22 * Sec. 13. AS 18.50.240(d) is amended to read:

23 (d) When a fetal death occurs without medical attendance upon
24 the mother at or after the delivery, or when investigation under
25 AS 18.52 [OFFICIAL INQUIRY] is required, the department shall provide by
26 regulation, in accordance with law, the responsibility for completing
27 and signing the medical certification.

28 * Sec. 14. AS 18.50.250(a) is amended to read:

29 (a) The funeral director or person acting as the funeral director

1 who first assumes custody of a dead body or fetus shall obtain a burial-
2 transit permit before final disposition or removal from the state of
3 the body or fetus and within 72 hours after death, except as otherwise
4 authorized by regulation [FOR SPECIAL PROBLEM CASES].

5 * Sec. 15. AS 18.50.250(b) is amended to read:

6 (b) The local registrar of the registration district where the
7 death occurred shall issue a burial-transit permit when a certificate
8 of death or fetal death has been filed in accordance with this chapter,
9 except as otherwise authorized by regulation [IN SPECIAL PROBLEM CASES].

10 * Sec. 16. AS 39.25.110 is amended by adding a new paragraph to read:

11 (16) the state medical examiner.

12 * Sec. 17. AS 44.29.020 is amended by adding a new paragraph to read:

13 (18) the office of state medical examiner.

14 * Sec. 18. AS 12.65.010 - 12.65.040 are repealed.

15 * Sec. 19. AS 22.15.110(1) is repealed.

16 * Sec. 20. This Act takes effect January 1, 1976.