

Introduced: 1/28/82  
Referred: Judiciary

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 SENATE BILL NO. 692

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the duties of coroners and the  
7 coroner's inquest."

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 physi-  
11 cian, or when no physician is prepared to execute the certificate of  
12 death prescribed by the Vital Statistics Act, the coroner [DISTRICT  
13 JUDGE OR MAGISTRATE] assigned to serve the place where the death occurs  
14 may, by written order, direct a medical examiner to view the remains of  
15 the deceased person and to perform the post mortem examination, includ-  
16 ing an autopsy, [AS IS, IN THE OPINION OF THE MEDICAL EXAMINER,] neces-  
17 sary to make a proper determination of the cause of death and to execute  
18 the prescribed death certificate. Upon the completion of the examina-  
19 tion, the examiner shall, without delay, submit a report of his findings  
20 and conclusions to the coroner [DISTRICT JUDGE OR MAGISTRATE]. The  
21 coroner [JUDGE OR MAGISTRATE] shall order an inquest under this chapter  
22 if the findings and conclusions of the medical examiner, together with  
23 other information available to the coroner [JUDGE OR MAGISTRATE], warrant  
24 the inquest. Otherwise he shall enter an order dispensing with the  
25 inquest and shall record the certificate of death as prescribed by law.

26 \* Sec. 2. AS 12.65.030 is amended by adding a new subsection to read:

27 (b) Public administrators shall serve as coroners as provided by  
28 AS 22.15.310 and 22.15.350.

29 \* Sec. 3. AS 12.65.040 is amended to read:

1       Sec. 12.65.040. INQUIRY INTO CAUSE OF DEATH. The coroner may  
2 [SHALL], when he is informed that a person has been killed by another or  
3 has suddenly died under such circumstances as to afford a reasonable  
4 ground to suspect that his death has been occasioned by criminal means  
5 or he has committed suicide, inquire by the intervention of a jury into  
6 the cause and manner of the death, and perform [THE] other related  
7 duties [INCIDENTAL THERETO] in the manner prescribed by law. The coroner  
8 shall go to the place where the dead person is, or, in the alternative,  
9 arrange for a peace officer to do so and report his findings to the  
10 coroner, on the basis of which the coroner may proceed with an inquest  
11 if an inquest is warranted.

12 \* Sec. 4. AS 12.65.050 is amended to read:

13       Sec. 12.65.050. SUMMONING JURORS FOR INQUEST. If an inquest is  
14 warranted, the coroner shall immediately summon six persons qualified by  
15 law to serve as jurors to appear before him at a specified place to  
16 inquire into the cause and manner of the death.

17 \* Sec. 5. AS 12.65.060 is amended to read:

18       Sec. 12.65.060. OATH OF INQUEST JURORS. When six jurors attend,  
19 they shall be sworn by the coroner to inquire who the person was and  
20 when, where, and by what means he came to his death, and to inquire into  
21 the circumstances attending his death, and to give a true verdict accord-  
22 ing to the evidence [OFFERED THEM OR ARISING FROM THE INSPECTION OF THE  
23 BODY].

24 \* Sec. 6. AS 12.65.070 is amended to read;

25       Sec. 12.65.070. SUBPOENA AND EXAMINATION OF WITNESSES. The cor-  
26 oner [DISTRICT JUDGE OR MAGISTRATE] may subpoena and examine as witnesses  
27 persons who, in his opinion, have knowledge of the material facts relat-  
28 ing to the death [, AND ALSO AN APPOINTED MEDICAL EXAMINER WHEN AVAIL-  
29 ABLE, OR OTHERWISE A PHYSICIAN, WHO SHALL EXAMINE THE BODY AND GIVE

1 PROFESSIONAL OPINION AS TO THE CAUSE OF THE DEATH. THE TESTIMONY SHALL  
2 BE REDUCED TO WRITING].

3 \* Sec. 7. AS 12.65.080 is amended to read:

4 Sec. 12.65.080. VERDICT OF INQUEST JURY. After hearing the testi-  
5 mony, the jury or two-thirds of its [THEIR] number shall give its written  
6 verdict, signed [BY THEM] and setting out [FORTH]

7 (1) the name of the deceased [PERSON KILLED] and when, where,  
8 and by what means he came to his death; and

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

11 \* Sec. 8. AS 12.65.090 is amended to read:

12 Sec. 12.65.090. NOTIFICATION OF PROSECUTING ATTORNEY [WARRANT FOR  
13 ARREST OF PERSON CAUSING DEATH]. If the jury finds that a [CRIME WAS  
14 COMMITTED IN THE] killing occurred by criminal means [, AND ALSO CHARGES  
15 A PERSON WITH THE COMMISSION OF THE CRIME], the coroner [, AS A DISTRICT  
16 JUDGE OR MAGISTRATE,] shall submit the verdict to the prosecuting attor-  
17 ney [IMMEDIATELY ISSUE A WARRANT FOR THE ARREST OF THAT PERSON].

18 \* Sec. 9. AS 12.65.100 is amended to read:

19 Sec. 12.65.100. UNCLAIMED BODIES [BURIAL OF BODY]. When a person  
20 dies [CORONER HOLDS AN INQUEST UPON A BODY], and no friend or relative  
21 appears to claim the body for burial, and no provision is made for the  
22 body under AS 13.50, the coroner shall notify the Department of Health  
23 and Social Services which shall cause the body to be plainly and decently  
24 buried or cremated and the remains decently interred.

25 \* Sec. 10. 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 an unclaimed [THE] body, the coroner [JUDGE OR MAGISTRATE]  
28 shall [MAKE AN] inventory [OF] it for his records and take it into his  
29 possession. He shall, within 30 days after internment [THE INQUEST],

1 transmit a certified copy of the inventory and the money or property to  
2 the public administrator for disposition under AS 22.15.320 [CLERK OF  
3 THE SUPERIOR COURT. THE CLERK SHALL CAUSE THE PROPERTY TO BE SOLD AS  
4 UPON EXECUTION AND SHALL DEDUCT THE EXPENSES OF THE SALE FROM THE PRO-  
5 CEEDS. HE SHALL DEPOSIT THE REMAINDER OF THE PROCEEDS OF THE SALE AND  
6 ANY MONEY DELIVERED TO HIM BY THE JUDGE OR MAGISTRATE IN THE SAME MANNER  
7 AS MONEY COLLECTED ON JUDGMENTS IN FAVOR OF THE STATE].

8 \* Sec. 11. AS 22.15.350 is amended to read:

9 Sec. 22.15.350. OTHER DUTIES. In addition to his other duties, a  
10 public administrator shall perform the duties set out in AS 22.15.110  
11 and AS 12.65.020 - 12.65.110 and shall perform the duties of public  
12 guardian as set out in AS 13.26.360 - 13.26.410.  
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