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M E M O R A N D U M

TO: Members of the Senate Judiciary Committee

FROM: Karla L. Forsythe *KF*
General Counsel, Alaska Court System

DATE: February 15, 1982

SUBJECT: SB 692, "An act relating to the duties of coroners and the coroner's inquest".

The Alaska Court System respectfully requests that the Senate Judiciary Committee amend the language of SB 692, Section 10, "Property on body".

The wording of the section as presently drafted will create several problems for coroners who must implement the statute:

1. It does not address the procedure for handling property which is not physically on the unclaimed body, such as a duffel bag.
2. The word "internment" refers to the act of confining or impounding, as with prisoners of war. The proper word is "interment", which refers to the burial of a body.
3. It does not clarify to which public administrator the inventory of property should be sent.

The wording set out below addresses these problems. Since Section 10 speaks only about property of unclaimed bodies, the statute will be more clearly organized by repealing Section 10 and combining it with Section 9.

The proposed amendment reads as follows:

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

Sec. 12.65.100. UNCLAIMED BODIES [BURIAL OF BODY].

When a person dies [CORONER HOLDS AN INQUEST UPON A BODY,] and no [^{person} friend or relative] appears to claim the body for burial, and no provision is made for the body under AS 13.50, the coroner shall

Sus. P. King
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(1) notify the Department of Health and Social Services which shall cause the body to be plainly and decently buried or cremated and the remains decently interred, and

(2) take into his possession and inventory any money or other property belonging to the deceased and, within 30 days after the interment, transmit a certified copy of the inventory to the public administrator of his judicial district who shall then proceed under AS 22.15.320.

* Sec. 10. AS 12.65.100 is repealed.

[SEC. 12.65.110. PROPERTY ON BODY. IF MONEY OR OTHER PROPERTY IS FOUND ON THE BODY, THE JUDGE OR MAGISTRATE SHALL MAKE AN INVENTORY OF IT FOR HIS RECORDS AND TAKE IT INTO HIS POSSESSION. HE SHALL WITHIN 30 DAYS AFTER THE INQUEST, TRANSMIT A CERTIFIED COPY OF THE INVENTORY AND THE MONEY OR PROPERTY TO THE CLERK OF THE SUPERIOR COURT. 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.]



Official Business

Alaska State Legislature

Senate

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

MINUTES OF THE SENATE JUDICIARY COMMITTEE

OF

FEBRUARY 22, 1982

Butrovich Committee Room, State Capitol Juneau, Alaska

Legislation Before Committee:

SB 610 - "An Act relating to certificates of birth."

SB 692 - "An Act relating to the duties of coroners and the coroner's inquest."

SB 765 - "An Act exempting importation of alcoholic beverages for religious purposes."

The meeting of the Senate Judiciary Committee was called to order by Chairman Rodey at 1:05 P.M. Committee members present were: Senators Rodey, Ray, and Parr. Senator Bennett was absent.

Chairman Rodey first brought SB 765 before the committee. Senator Ray moved that on page 1, line 18, after "body" insert ", are limited in quantity to the amount necessary for religious purposes, and are dispensed for religious purposes by a person authorized by the church or religious body to dispense the alcoholic beverage". There was no objection and the amendment was adopted.

Senator Ray motioned that SB 765 be moved from committee. There was no objection. All members present signed do pass.

The next item on the agenda was SB 610. Senator Parr explained the intent of the bill. Chairman Rodey next called Joan Brooks, Vital Statistics, before the committee. Ms. Brooks testified in favor of the bill stating that SB 610 would alleviate problems she had encountered with mothers requesting the name of the natural father, other than her husband, being placed on the child's birth certificate. She reported receiving one (1) call a week to her office on the subject.

After discussion Senator Parr moved that the bill be passed from committee. Senator Parr signed do pass, Senator Rodey signed no recommendation, Senator Ray signed do not pass.

Next Chairman Rodey brought SB 692 before the committee. Mr. Bruce gave a brief history of the bill at the request of Chairman Rodey.

After discussion, Senator Ray moved that the committee substitute for SB 692 be passed from committee. There was no objection. All members present signed do pass.

Chairman Rodey adjourned the meeting at 2:00 P.M.



Official Business

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Senate

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

MINUTES OF THE SENATE JUDICIARY COMMITTEE

OF

FEBRUARY 16, 1982

Butrovich Committee Room, State Capitol Juneau, Alaska

Legislation Before Committee:

SB 692 - "An Act relating to the duties of coroners and the coroner's inquest."

SB 693 - "An Act repealing the termination date of ch. 160, SLA 1980, relating to supreme court authority over court facilities; and providing for an effective date."

As there were not enough members present for a quorum, Chairman Rodey called a work session on SB 692 and SB 693. Members present were Senators Rodey, and Parr. Senators Bennett, and Ray were absent.

Chairman Rodey first brought SB 693 up for discussion.

Karla Forsyth, General Counsel for the Alaska Court System testified, stating that SB 693 would provide the following:

- 1.) Save time in letting contracts
- 2.) Provide 10% savings on overhead of Department of Transportation & Public Facilities
- 3.) Provide in-house expertise in design

She further stated that SB 693 has adopted the Department of Transportation and Public Facilities standards and it would provide an advantage to the DOT-PF as it is not geared to small projects. She expressed the DOT-PF's agreement with SB 693.

Senator Ray enters the room. Chairman Rodey brings the Committee to order.

Senator Parr moves to pass SB 693 from Committee with individual recommendations. There was no objection. Senators Parr and Rodey signed to pass. Senator Ray signed no recommendation.

The next item on the agenda was SB 692. Chairman Rodey called Karla Forsyth, General Counsel, Alaska Court System, before the Committee to

testify. Ms. Forsyth distributed a memorandum giving the Court System's recommended amendments to SB 692. (See attached memorandum)

The Committee questioned the need for the amendment to Sec. 3 of the bill. Ms. Forsyth explained that the court felt that this amendment would assure that inquest juries did not duplicate or hinder the work of grand juries. The Chairman directed staff to prepare language which would solve this without allowing coroners complete discretion on which deaths to hold hearings on.

Senator Ray moved that the language "friend or relative" on Line 20, Page 3, be amended to read "person". There was no objection and the amendment was adopted. Senator Ray also moved that the word "may" on Line 26, Page 2, be struck and the words "shall, unless the facts are self-evident" be inserted in its place. There was no objection and the amendment was adopted.

Staff was directed to prepare a committee substitute incorporating the changes.

After discussion Chairman Rodey adjourned the meeting at 2:15 P.M.