

HB

345

Date referred: 2/8/88

FURTHER REFERRALS:

DATE: 2-10-88

The Finance Committee has considered HB 345

"An Act relating to coroners' inquests; and providing for an effective date."

RECOMMENDS:

- replace with CS HB 345 (HESS) the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published 2/8/88
- zero with analysis

SIGNING DO PASS:

Adams Al Adams

Purchot Pat Purchot

Larson Ronald Larson

Goll Jim Goll

Swack Mark Swack

Boyer Mark Boyer

Rieger Steve Rieger

Frank Don Frank

Wallis F. Key Wallis

Brown Tay Brown

Davis Mike Davis

SIGNING OTHER RECOMMENDATIONS:

Al Adams
Chairman's signature

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: An Act relating to
coroners' inquests;...
Sponsor: Adams and Taylor
Requestor: _____

Agency Affected: Health & Social Services
BRU: State Health Services
Components: EMS Certification and
Licensing

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

The enactment of HB 345 would have no direct fiscal impact on the Department of Health and Social Services.

Prepared by: Elizabeth Ward, Director *Elizabeth Ward* Phone: 465-3090
Division: Public Health Date: 1-19-88

Approved by Commissioner: Mrs. M. Mueser Date: Feb 1, 1988
Agency: Department of Health & Social Services

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

**STATE OF ALASKA 1988 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: _____

Bill Version: HB 345 (FIN)
Publish Date: 1/18/88

Revision Date:
Title: An act relating to coroner's inquests

Agency Affected: Alaska Court System
BRU: Trial Courts

Sponsor: Adams & Taylor
Requestor: House Finance

Components:

EXPENDITURES/REVENUES:		(Thousands of Dollars)					
	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93	
OPERATING							
Personal Services	
Travel	
Contractual	
Supplies	
Equipment	
Land & Structures	
Grants & Claims	
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	
CAPITAL	
REVENUE	

FUNDING:		(Thousands of Dollars)					
General Funds	0.0	0.0	0.0	0.0	0.0	0.0	
Federal Funds	.....	.....	.....	.....	.....	.....
Other	.....	.....	.....	.....	.....	.....
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	

POSITIONS:							
Full-time	.....	.....	.....	.....	.....	.....
Part-time	.....	.....	.....	.....	.....	.....
Temporary	.....	.....	.....	.....	.....	.....

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: *Jan Strandberg*
Jan Strandberg, General Counsel
Division: Alaska Court System

Phone: 264-8228
Date: 2-1-88

Approved by: *Stephanie Cole for*
Arthur H. Snowden, II, Administrative Director
Agency: Alaska Court System

Date: 2-1-88

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management & Budget
 - Impacted Agency(ies)
 - Senate Secretary

RECEIVED
FEB 1 1988
LEGISLATIVE FINANCE

12 345

Original sponsors: Adams, Taylor
and Koponen

1 IN THE HOUSE
2
3 CS FOR HOUSE BILL NO. 345 (HESS)
4 IN THE LEGISLATURE OF THE STATE OF ALASKA
5 FIFTEENTH LEGISLATURE - SECOND SESSION
6 A BILL
7 For an Act entitled: "An Act relating to coroners' inquests."
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. (a) When a person dies unattended by a
11 physician, or when no physician is prepared to execute the certificate
12 of death prescribed by AS 18.50 (Vital Statistics Act) [THE VITAL
13 STATISTICS ACT], the coroner assigned to serve the place where the
14 death occurs may, by written order, direct a medical examiner to view
15 the remains of the deceased person and to perform the post mortem
16 examination, including an autopsy, necessary to make a proper deter-
17 mination of the cause of death and to execute the prescribed death
18 certificate. When the medical examiner has completed [UPON THE COM-
19 PLETION OF] the examination, the examiner shall, without delay, submit
20 a report of the findings and conclusions to the coroner.
21 (b) The coroner may [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, warrant the inquest.
24 Otherwise the coroner shall enter an order dispensing with the inquest
25 and shall record the certificate of death as prescribed by law.
26 * Sec. 2. AS 12.65.040 is repealed and reenacted to read:
27 Sec. 12.65.040. INQUIRY INTO CAUSE OF DEATH. (a) When in-
28 formed that a person has been killed by another or has died under cir-
29 cumstances that afford a reasonable ground to suspect that the death
is the result of a crime or suicide, the coroner may inquire under

1 AS 12.65.050 - 12.65.090 into the cause and manner of death.

2 (b) In deciding whether to conduct an inquest, the coroner shall
3 make a preliminary examination or direct a peace officer to conduct
4 the examination and report findings. On the basis of the preliminary
5 examination, the coroner shall determine whether an inquest is war-
6 ranted and, if warranted, conduct the inquest.

7 (c) This section does not apply if the death will be inquired
8 into by a grand jury.

STATE OF ALASKA 1988 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: _____ Bill Version: HB 345(FIN)
 Publish Date: 1/18/88

Revision Date: _____ Agency Affected: Alaska Court System
 Title: An act relating to coroner's BRU: Trial Courts
 inquests
 Sponsor: Adams & Taylor Components:
 Requestor: House Finance

EXPENDITURES/REVENUES:		(Thousands of Dollars)					
	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93	
OPERATING							
Personal Services	
Travel	
Contractual	
Supplies	
Equipment	
Land & Structures	
Grants & Claims	
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	
CAPITAL	
REVENUE	

FUNDING:		(Thousands of Dollars)					
General Funds	0.0	0.0	0.0	0.0	0.0	0.0	
Federal Funds	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Other	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	

POSITIONS:							
Full-time	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Part-time	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Temporary	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: *Jan Strandberg* Jan Strandberg, General Counsel Phone: 264-8228
 Division: Alaska Court System Date: 2-1-83

Approved by: *Stephanie Cole for* Arthur H. Snowden, II, Administrative Director Date: 2-1-88
 Agency: Alaska Court System

- Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
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 Impacted Agency(ies)
 Senate Secretary

RECEIVED
 FEB 4 1988
 LEGISLATIVE FINANCE

HB 345



Official Business

Alaska State Legislature

House of Representatives

Al Adams
Chairman
Committee on Finance

WHILE IN SESSION
P.O. Box V
State Capitol
Juneau, Alaska 99811
(907) 465-3706

OUT OF SESSION
P.O. Box 333
Kotzebue, Alaska 99752
(907) 442-3320

1024 W. 6th
Anchorage, Alaska 99501
(907) 274-0615

DATE: February 9, 1988

TO: Finance Committee Members

FROM: Representative Al Adams, Chairman
House Finance Committee

RE: HB 345, "An Act relating to coroners' inquests;
and providing for an effective date."

The intent of this bill is to allow coroners the discretion in cases where the cause of death is clear, but statutes demand inquest proceedings, to be able to decide not to hold the inquest proceedings.

In particular, situations have arisen in my district in cases of suicide where the preponderance of evidence left no doubt of the cause of death, but coroners were left no discretionary ability. The inquest process put families of the deceased through unnecessary grief and incurred costs to a court system already functioning with a minimum of staff.

Beyond remedying this situation, there is another problem in the state of a lag time between suicidal deaths and that information being obtained by the Bureau of Vital Statistics. This has occurred because of the inquest procedure in these cases delaying information being given to the Bureau. One problem cited in The Daily News series on suicides among Alaska Natives touched on this issue of inaccurate records of suicidal deaths because of this delay.

Position Paper

CS HB 345 *Ken*

For an Act entitled: "An Act relating to coroners' inquests; and providing for an effective date."

This Act amends AS 12.64 to allow the coroner discretion in deciding the need for an inquiry in the case of a death where the deceased is unattended by a physician or when no physician is prepared to execute the certificate of death. It further allows the coroner discretion in deciding the need for a formal inquiry in the case of a death that may have been occasioned by criminal means.

This increased coroner discretion will prevent the time and expense of unwarranted inquiries.

Position

This bill would have no direct impact on the Department of Health and Social Services. The position of the department is neutral.

Recommended by: *Elizabeth Ward*
Elizabeth Ward, M.N.
Director
Division of Public Health

Date: *January 19, 1988*

Approved by: *Myra M. Munson*
Myra M. Munson
Commissioner
Department of Health and
Social Services

Date: *Feb 1, 1988*



Alaska Court System
State of Alaska
OFFICE OF ADMINISTRATIVE DIRECTOR

JANALEE R. STRANDBERG
Staff Counsel

303 K Street
Anchorage, AK 99501
(907) 284-8228

January 21, 1988

Representative Albert P. Adams
Alaska State Legislature
P. O. Box V
Juneau, AK 99811

Re: Act relating to coroners' inquests


Dear Representative Adams:

Thank you for this opportunity to comment on proposed legislation which would give coroners/public administrators the discretion to hold inquests in certain cases involving death by criminal means or suicide. The court system favors the concept of giving coroners/public administrators and magistrates discretion to dispense with inquests in these kinds of cases. We believe that guidance for the exercise of this discretion as well as a review process can be effected by court rule.

We also have two technical comments about this legislation. First, in section one, line 21, the change of the word "shall" to "may" could be interpreted to allow a coroner to dispense with an inquest even when the findings and information warrant an inquest. Because the discretionary nature of the inquest is clarified in the changes in section two, the present use of the word "shall" should be sufficient. Second, in section two, at lines 5 and 6, the phrase "unless the death is or will be inquired into by the grand jury, in which case an inquest by jury under this section is not required" should be deleted because the coroner is being given the discretion to hold inquests in these cases.

I would be happy to discuss this bill further with you or answer any questions you have.

Sincerely,


Janalee R. Strandberg
Staff Counsel

JRS:bh

1/29/88-7

Original sponsors: Adams, Taylor
and Koponen

1 IN THE HOUSE BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 CS FOR HOUSE BILL NO. 345 (HESS)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FIFTEENTH LEGISLATURE - SECOND SESSION
5 A BILL

6 For an Act entitled: "An Act relating to coroners' inquests."

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

8 * Section 1. AS 12.65.020 is amended to read:

9 Sec. 12.65.020. DUTIES. (a) When a person dies unattended by a
10 physician, or when no physician is prepared to execute the certificate
11 of death prescribed by AS 18.50 (Vital Statistics Act) [THE VITAL
12 STATISTICS ACT], the coroner assigned to serve the place where the
13 death occurs may, by written order, direct a medical examiner to view
14 the remains of the deceased person and to perform the post mortem
15 examination, including an autopsy, necessary to make a proper deter-
16 mination of the cause of death and to execute the prescribed death
17 certificate. When the medical examiner has completed [UPON THE COM-
18 PLETION OF] the examination, the examiner shall, without delay, submit
19 a report of the findings and conclusions to the coroner.

20 (b) The coroner may [SHALL] order an inquest under this chapter
21 if the findings and conclusions of the medical examiner, together with
22 other information available to the coroner, warrant the inquest.
23 Otherwise the coroner shall enter an order dispensing with the inquest
24 and shall record the certificate of death as prescribed by law.

25 * Sec. 2. AS 12.65.040 is repealed and reenacted to read:

26 Sec. 12.65.040. INQUIRY INTO CAUSE OF DEATH. (a) When in-
27 formed that a person has been killed by another or has died under cir-
28 cumstances that afford a reasonable ground to suspect that the death
29 is the result of a crime or suicide, the coroner may inquire under

1 AS 12.65.050 - 12.65.090 into the cause and manner of death.

2 (b) In deciding whether to conduct an inquest, the coroner shall
3 make a preliminary examination or direct a peace officer to conduct
4 the examination and report findings. On the basis of the preliminary
5 examination, the coroner shall determine whether an inquest is war-
6 ranted and, if warranted, conduct the inquest.

7 (c) This section does not apply if the death will be inquired
8 into by a grand jury.

1 IN THE HOUSE

BY ADAMS AND TAYLOR

2

HOUSE BILL NO. 345

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

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14 death occurs may, by written order, direct a medical examiner to view
15 the remains of the deceased person and to perform the post mortem
16 examination, including an autopsy, necessary to make a proper deter-
17 mination of the cause of death and to execute the prescribed death
18 certificate. Upon the completion of the examination, the examiner
19 shall, without delay, submit a report of the findings and conclusions
20 to the coroner. The coroner may [SHALL] order an inquest under this
21 chapter if the findings and conclusions of the medical examiner,
22 together with other information available to the coroner, warrant the
23 inquest. Otherwise the coroner shall enter an order dispensing with
24 the inquest and shall record the certificate of death as prescribed by
25 law.

26 * Sec. 2. AS 12.65.040 is amended to read:

27 Sec. 12.65.040. INQUIRY INTO CAUSE OF DEATH. When [THE CORONER
28 SHALL, WHEN] informed that a person has been killed by another or has
29 suddenly died under such circumstances as to afford a reasonable

1 ground to suspect that the death has been occasioned by criminal means
2 or the person has committed suicide, the coroner may inquire by the
3 intervention of a jury into the cause and manner of the death, and
4 shall perform other related duties in the manner prescribed by law,
5 unless the death is or will be inquired into by the grand jury, in
6 which case an inquest by jury under this section is not required. The
7 coroner shall go to the place where the dead person is, or, in the
8 alternative, arrange for a peace officer to do so and report peace
9 officer's findings to the coroner, on the basis of which the coroner
10 may proceed with an inquest if an inquest is warranted.

11 * Sec. 3. This Act takes effect immediately under AS 01.10.070(c)