

HB

345

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

Official Business

TO: Senator Paul Fischer, Chair
Senate HESS Committee

FROM: Al Adams, Chair ~~APA~~
House Finance Committee

DATE: March 11, 1988

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

I appreciate the Senate HESS Committee's scheduling of the aforementioned bill.

This legislation would allow coroners and/or magistrates the discretion to conduct inquest proceedings following a death. By use of the word "shall" in current statutes, inquests are required whether or not the death situation warrants these further investigations. The proposed legislation changes the word "shall" to "may" in reference to this activity.

For example, in the case of suicide when a preponderance of evidence leaves no doubt as to the cause of death, coroners are by existing law required to review the case before a jury, often utilizing testimony of the family of the deceased to collect information. Families are put through unnecessary grief and the court system through unnecessary costs. In a January 1988 conversation between a member of my staff and Charlene Doris, a coroner in Anchorage, five out of seven inquests scheduled for that month were in her opinion unnecessary procedures. Court personnel in my district have also stated they were required by current law to conduct unnecessary inquests.

Beyond remedying these situations, this legislation will allow the Bureau of Vital Statistics to receive information regarding suicidal deaths in a timely manner. One problem cited in *The Anchorage Daily News* series on suicides among Alaska Natives involved inaccurate and delayed statistics about the prevalence of suicidal deaths in part due to the lag time between

the time of death, the inquest proceeding and subsequent report and when the Bureau finally received the report.

Attached is a statement of support from the Alaska Court System. It is my understanding that the court system will internally implement criteria for magistrates and/or coroners to follow when exercising these judgements.

Martha Stewart of my staff will be present to testify and answer questions at your meeting.

STATE OF ALASKA 1988 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: _____ Bill Version: HB 345
 _____ 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) | | | | | |
|-------------------------------|------------|------------------------|------------|------------|------------|------------|--|
| OPERATING | FY 88 | FY 89 | FY 90 | FY 91 | FY 92 | FY 93 | |
| 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: 2-1-88

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
 Requestor
 Office of Management & Bud
 Impacted Agency(ies)
 Senate Secretary

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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. Thurston 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)

Position Paper

CS HB 345 *Case*

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

2/11/88

C O R R E C T I O N

Please replace Fiscal Note CSHB 345(Fin) published 2/11/88
with this corrected version: CSHB 345(HESS) published 2/11/88.

No. 2

STATE OF ALASKA 1988 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: CSHB 345(HESS)
Publish Date: HOUSE 2/11/88

REQUEST: _____

Revision Date:
Title: An act relating to coroner's inquests
Sponsor: Adams & Taylor
Requestor: House Finance

Agency Affected: Alaska Court System
BRU: Trial Courts
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*
 Division: Alaska Court System
 Phone: 264-8228
 Date: 2-1-88

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

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

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Alaska Court System
State of Alaska
OFFICE OF ADMINISTRATIVE DIRECTOR

JANALEER STRANDBERG
Staff Counsel

303 K Street
Anchorage, AK 99501
(907) 264-8228

January 29, 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