

HB

520

HB 520 Sectional Analysis

This bill will establish a unified system within the executive branch for determining cause and manner of deaths which occur in suspicious circumstances or in which the cause of death is unknown. It would abolish the position of coroners and unify appropriate investigative responsibilities in the state medical examiner within the executive branch. Only judicial functions relating to cause of death determinations would remain within the judicial branch. This would eliminate some of the confusion, duplication of effort and inefficiencies of Alaska's hybrid death investigation system.

Alaska is one of 18 states that still utilizes a death-investigation system relying on both medical examiners and coroners to establish cause and manner of death. The Medical Examiner's Office is a part of the executive branch, located within the Department of Health & Social Services, Division of Public Health. Coroners, however, are judicial officers, holding the position *ex officio* as a part of their appointment as magistrates or judges. A hybrid system such as this almost inevitably results in a duplication of efforts, inefficiency and confusion as to the responsibilities and authority of each. Alaska's current law grants coroners more investigative authority than the state medical examiner, even though it is the medical examiner who has the most expertise in establishing the cause and manner of a person's death. This inevitably increases the possibility of errors and oversights in death investigations, which could jeopardize a criminal prosecution. This bill corrects these problems.

Section 1 of the bill is essentially a housekeeping measure, renaming "coroners' inquests" as "death inquests" and moving the authorizing statutes from AS 12.65 to AS 09.55, where the presumptive death statutes are already located. This section authorizes the medical examiner or a district attorney to initiate a death inquest.

Section 2 sets out the circumstances in which the state medical investigator must be notified of a death. These are essentially unanticipated deaths caused by other than natural means or those which appear to result from a disease that may constitute a public health threat. If the state medical examiner concludes that it is appropriate to do so, the examiner will perform a medical death investigation under AS 12.65.020.

Section 3 is a housekeeping measure authorizing the Commissioner of Health and Social Services to appoint a state medical examiner rather than to establish the position - a one time act which was accomplished following authorization in the statutory change of 1993.

Section 4 amends the state medical examiner statute to authorize the state medical examiner to appoint local, regional, or district medical examiners to assist in performing the duties of the office.

Section 5, amending AS 12.65.020, represents the heart of this bill. It transfers jurisdiction over the bodies of those who die unattended by a physician from coroners to the state medical examiner and establishes the responsibility and authority of the state medical examiner to perform actions needed to make a proper determination of the cause and manner of death. The state medical examiner is authorized to view the remains of the deceased person, perform a post mortem examination, and take any other action necessary to make a proper determination of the cause and manner of death, including taking possession of any property deemed necessary to the investigation. The state medical examiner is also authorized to call upon public employees, including peace officers and village public safety officers, to provide assistance necessary to complete the medical death investigation. If the examiner concludes that death may have been caused by criminal means, the medical examiner is required to submit a copy of the report of the medical examiner's findings and conclusions is to be submitted to the district attorney, who is authorized to initiate criminal proceedings.

Section 6 clarifies that the state will pay the costs of transporting a body to the location where a post mortem examination is to be conducted, and then the costs of returning the body to the community where the death occurred or to such other location as relatives may request to the extent that the costs of such transportation do not exceed the costs of returning the body to the place of death.

Sections 8 and 9 transfer the functions of public administrators from the judiciary to the Department of Health & Social Services. A public administrator is empowered to act as the representative of an estate when no one else has stepped forward to perform that function. The department may appoint an employee or contract with an individual to act as a public administrator. In either event, the administrator is required to file a surety bond with the court the same as personal representatives are required to do unless relieved of this obligation by the terms of the deceased person's will. Section 13 exempts a contract between a public administrator and a law firm retained to represent the public administrator from the procurement code. This enables the public administrator to retain a firm that has experience in handling the probate of estates administered by a public administrator.

The remaining sections of the bill amend statutes in the criminal and judicial codes to delete references to coroners that are no longer necessary.

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: HB 520

Revision Date: _____ Dept. Affected: Public Safety
 Title: Inquests, Coroners, Post Mortems, etc. BRU: Alaska State Troopers
 Component: Detachments and CIB
 Sponsor: House Finance Committee
 Requestor: H. Judiciary COMPONENT SERIAL NO. 0799 and 0830

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
Revenue Code						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 96) impact: \$ _____

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Lt. Dan Lowden Phone: 465-5505
 Division: Alaska State Troopers Date: February 27, 1996
 Approved by Commissioner: *Del Smith* Date: 2/28/96
 Agency: Ronald L. Otte, Department of Public Safety

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STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. HB 520

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: An act relating to death investigations and BRU: State Health Services
inquests, coroners, public administrators, etc. Component: State Medical Examiner
 Sponsor: House Finance COMPONENT SERIAL NO. 293
 Requestor: House Judiciary See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING EXPENDITURES	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES	219.8	225.3	230.9	236.7	242.6	248.7
TRAVEL	15.0	15.0	15.0	15.0	15.0	15.0
CONTRACTUAL	45.2	45.2	45.2	45.2	45.2	45.2
SUPPLIES	5.0	5.0	5.0	5.0	5.0	5.0
EQUIPMENT	35.0					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	320.0	290.5	296.1	301.9	307.8	313.9

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	320.0	300.5	306.1	311.9	317.8	323.9
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	320.0	290.5	296.1	301.9	307.8	313.9

Estimate of any current year (FY98) cost: \$0.0

POSITIONS:

FULL-TIME	5	5	5	5	5	5
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This fiscal note is a funding transfer between the Alaska Court System and the Department of Health and Social Services to accommodate the transfer of responsibilities associated with HB 520.

The Court System is transferring \$320.0 GF for the following Lines:

Line 100 - \$219.8 in Personal Services

- Investigator I, range 14, PFT, GGU, Anchorage
- Investigator I, range 14, PFT, GGU, Juneau
- Investigator I, range 14, PFT, GGU, Fairbanks
- Investigator II, range 16, PFT, GGU, Anchorage
- Administrative Clerk II, range 8, PFT, GGU, Anchorage

Inflation factor of 2.5% is built in for FY98 and later years

Prepared by: Peter M. Nakamura, MD, MPH

Division: Public Health

Approved by Com: _____

Agency: _____

Karen Pardee, Commissioner

Department of Health & Social Services

Phone: (907) 465-3090

Date: 02/27/96

Date: 8/22/96

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ANALYSIS (cont.):

Line 200 - \$15.0 is allotted in travel for death scene investigations, and for recruiting and training local and regional Medical Examiners and lay investigators.

Line 300 - \$45.2 will be need in the contractual for the lease of three vehicles for use on the road system @ \$6.0/year/vehicle. \$27.2 will be used to contract with attorneys for the disposition of the deceased's estate and contracting with regional Medical Examiners and lay investigators.

Line 400 - \$5.0 in general office supplies.

Line 500 - \$35.0 will be needed for 5 computers, software and a LAN system, and office furniture.

Position Title Investigator I		No. of Positions 3	Range/Step 14A	Bargaining Unit GGU
Time Status PFT	Staff Months 36.0	Location Juneau/Anchorage/Fairbanks		Election District
TYPE of EXPENDITURE		AMOUNT		
Salary		95.6		
Benefits		39.7		
Premium Pay				
Other				
Total Personal Services		135.3		
Travel		15.0		
Contractual		18.0		
Commodities		3.0		
Equipment		15.0		
Other				
Total Cost		186.3		
FUNDING SOURCE for TOTAL COST				
1002	Federal Receipts			
1003	GF Match			
1004	General Fund	186.3		
1005	GF/Program Receipts			
1007	I/A Receipts			
1037	GF/MH			
1061	CIP Receipts			
Other	()			
Justification The investigator positions will conduct death scene investigations in place of the coroner. This position will secure the death scene, evaluate whether an autopsy should take place. An investigator will be located in Juneau, Anchorage and Fairbanks.				

**REQUEST for
NEW POSITION**

AGENCY: Health and Social Services
 BRU: State Health Services
 COMPONENT: State Medical Examiner

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Revised Date:

Position Title Investigator II		No. of Positions 1	Range/Step 16A	Bargaining Unit GGU
Time Status PFT	Staff Months 12.0	Location Anchorage		Election District
TYPE of EXPENDITURE		AMOUNT		
Salary		33.3		
Benefits		16.7		
Premium Pay				
Other				
Total Personal Services		50.0		
Travel				
Contractual		27.2		
Commodities		1.0		
Equipment		15.0		
Other				
Total Cost		93.2		
FUNDING SOURCE for TOTAL COST				
1002	Federal Receipts			
1003	GF Match			
1004	General Fund	93.2		
1005	GF/Program Receipts			
1007	I/A Receipts			
1037	GF/MH			
1061	CIP Receipts			
Other ()				
Justification This position will serve as the lead death scene investigator. It will also be responsible for the training of lay investigators in the local communities.				

**REQUEST for
NEW POSITION**

AGENCY: Health and Social Services
 BRU: State Health Services
 COMPONENT: State Medical Examiner

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Revised Date:

Position Title Administrative Clerk II		No. of Positions 1	Range/Step 8A	Bargaining Unit GGU
Time Status PFT	Staff Months 12.0	Location Anchorage		Election District
TYPE of EXPENDITURE		AMOUNT		
Salary		23.0		
Benefits		11.5		
Premium Pay				
Other				
Total Personal Services		34.5		
Travel				
Contractual				
Commodities		1.0		
Equipment		5.0		
Other				
Total Cost		40.5		
FUNDING SOURCE for TOTAL COST				
1002 Federal Receipts				
1003 GF Match				
1004 General Fund		40.5		
1005 GF/Program Receipts				
1007 I/A Receipts				
1037 GF/MH				
1061 CIP Receipts				
Other ()				
<p>Justification</p> <p>This position will give clerical support to the four professional positions. It will arrange travel, type forms, do transcription of the death scene investigation reports, perform filing and general clerical functions.</p>				

**REQUEST for
NEW POSITION**

AGENCY: **Health and Social Services**

BRU: **State Health Services**

COMPONENT: **State Medical Examiner**

FY97

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Revised Date: