



LAWS OF ALASKA

1982

Source

CSSB 692 (Jud)

Chapter No.

107

AN ACT

Relating to the duties of coroners and the coroner's inquest.

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

THE ACT FOLLOWS ON PAGE 1, LINE 9

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: June 14, 1982
Actual Effective Date: September 12, 1982

AN ACT

Relating to the duties of coroners and the
coroner's inquest.

* Section 1. AS 12.65.020 is amended to read:

Sec. 12.65.020. DUTIES. When a person dies unattended by a physician, or when no physician is prepared to execute the certificate of death prescribed by the Vital Statistics Act, the coroner [DISTRICT JUDGE OR MAGISTRATE] assigned to serve the place where the death occurs may, by written order, direct a medical examiner to view the remains of the deceased person and to perform the post mortem examination, including an autopsy, [AS IS, IN THE OPINION OF THE MEDICAL EXAMINER,] necessary to make a proper determination of the cause of death and to execute the prescribed death certificate. Upon the completion of the examination, the examiner shall, without delay, submit a report of his findings and conclusions to the coroner [DISTRICT JUDGE OR MAGISTRATE]. The coroner [JUDGE OR MAGISTRATE] shall order an inquest under this chapter if the findings and conclusions of the medical examiner, together with other information available to the coroner [JUDGE OR MAGISTRATE], warrant the inquest. Otherwise he shall enter an order dispensing with the inquest and shall record the certificate of death as prescribed by law.

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

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

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

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1 Sec. 12.65.040. INQUIRY INTO CAUSE OF DEATH. The coroner shall,
2 when he is informed that a person has been killed by another or has
3 suddenly died under such circumstances as to afford a reasonable ground
4 to suspect that his death has been occasioned by criminal means or he
5 has committed suicide, inquire by the intervention of a jury into the
6 cause and manner of the death, and perform [THE] other related duties
7 [INCIDENTAL THERETO] in the manner prescribed by law, unless the death
8 is or will be inquired into by the grand jury, in which case an inquest
9 by jury under this section is not required. The coroner shall go to the
10 place where the dead person is, or, in the alternative, arrange for a
11 peace officer to do so and report his findings to the coroner, on the
12 basis of which the coroner may proceed with an inquest if an inquest is
13 warranted.

14 * Sec. 4. AS 12.65.050 is amended to read:

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

19 * Sec. 5. AS 12.65.060 is amended to read:

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

26 * Sec. 6. AS 12.65.070 is amended to read;

27 Sec. 12.65.070. SUBPOENA AND EXAMINATION OF WITNESSES. The cor-
28 oner shall, if necessary to determine the material facts relating to
29 the death, [DISTRICT JUDGE OR MAGISTRATE MAY] subpoena and examine as

witnesses persons who, in his opinion, have knowledge of the material facts [, AND ALSO AN APPOINTED MEDICAL EXAMINER WHEN AVAILABLE, OR OTHERWISE A PHYSICIAN, WHO SHALL EXAMINE THE BODY AND GIVE PROFESSIONAL OPINION AS TO THE CAUSE OF THE DEATH. THE TESTIMONY SHALL BE REDUCED TO WRITING].

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

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

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

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

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

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

* 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 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.

* Sec. 10. AS 12.65.110 is amended to read:

Sec. 12.65.110. INVENTORY AND DISPOSITION OF PROPERTY FOR UNCLAIMED

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1 [ON] BODY. If a body is unclaimed as described in AS 12.65.100 and
2 money or other property belonging to the deceased is found [ON THE BODY],
3 the coroner [JUDGE OR MAGISTRATE] shall [MAKE AN] inventory [OF] it for
4 his records and take it into his possession. He shall, within 30 days
5 after interment [THE INQUEST], transmit a certified copy of the inventory
6 and the money or property to the public administrator of his judicial
7 district for disposition under AS 22.15.320 [CLERK OF THE SUPERIOR COURT.
8 THE CLERK SHALL CAUSE THE PROPERTY TO BE SOLD AS UPON EXECUTION AND
9 SHALL DEDUCT THE EXPENSES OF THE SALE FROM THE PROCEEDS. HE SHALL
10 DEPOSIT THE REMAINDER OF THE PROCEEDS OF THE SALE AND ANY MONEY DELIVERED
11 TO HIM BY THE JUDGE OR MAGISTRATE IN THE SAME MANNER AS MONEY COLLECTED
12 ON JUDGMENTS IN FAVOR OF THE STATE].

13 * Sec. 11. AS 22.15.350 is amended to read:

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