

FIRST REGULAR SESSION

HOUSE BILL NO. 480

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COOPER (158).

Read 1st time February 8, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1480L.011

AN ACT

To repeal sections 58.451 and 58.720, RSMo, and to enact in lieu thereof two new sections relating to reporting and investigating of death by a coroner.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 58.451 and 58.720, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 58.451 and 58.720, to read as follows:

58.451. 1. When any person, in any county in which a coroner is required by section
2 58.010, dies and there is reasonable ground to believe that such person died as a result of:

3 (1) Violence by homicide, suicide, or accident;

4 (2) Criminal abortions, including those self-induced;

5 (3) Some unforeseen sudden occurrence and the deceased had not been attended by a
6 physician during the thirty-six-hour period preceding the death;

7 (4) In any unusual or suspicious manner;

8 (5) Any injury or illness while in the custody of the law or while an inmate in a public
9 institution; the police, sheriff, law enforcement officer or official, or any person having
10 knowledge of such a death shall immediately notify the coroner of the known facts concerning
11 the time, place, manner and circumstances of the death. Immediately upon receipt of
12 notification, the coroner or [his] deputy **coroner** shall take charge of the dead body and fully
13 investigate the essential facts concerning the medical causes of death, including whether by the
14 act of man, and the manner of death. [He] **The coroner or deputy coroner** may take the names
15 and addresses of witnesses to the death and shall file this information in [his] **the coroner's**
16 office. The coroner or [his] deputy **coroner** shall take possession of all property of value found

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 on the body, making exact inventory of such property on [his] **the** report and shall direct the
18 return of such property to the person entitled to its custody or possession. The coroner or [his]
19 deputy **coroner** shall take possession of any object or article which, in [his] **the coroner or the**
20 **deputy coroner's** opinion, may be useful in establishing the cause of death, and deliver it to the
21 prosecuting attorney of the county.

22 2. When a death occurs outside a licensed health care facility, the first licensed medical
23 professional or law enforcement official learning of such death shall contact the county coroner.
24 Immediately upon receipt of such notification, the coroner or the coroner's deputy shall make the
25 determination if further investigation is necessary, based on information provided by the
26 individual contacting the coroner, and immediately advise such individual of the coroner's
27 intentions.

28 3. Upon taking charge of the dead body and before moving the body the coroner shall
29 notify the police department of any city in which the dead body is found, or if the dead body is
30 found in the unincorporated area of a county governed by the provisions of sections 58.451 to
31 58.457, the coroner shall notify the county sheriff [and] **or** the highway patrol and cause the body
32 to remain unmoved until the police department, sheriff or the highway patrol has inspected the
33 body and the surrounding circumstances and carefully noted the appearance, the condition and
34 position of the body and recorded every fact and circumstance tending to show the cause and
35 manner of death, with the names and addresses of all known witnesses, and shall subscribe the
36 same and make such record a part of [his] **the coroner's** report.

37 4. In any case of sudden, violent or suspicious death after which the body was buried
38 without any investigation or autopsy, the coroner, upon being advised of such facts, may at [his]
39 **the coroner's** own discretion request that the prosecuting attorney apply for a court order
40 requiring the body to be exhumed.

41 5. The coroner shall certify the cause of death in any case under [his] **the coroner's**
42 charge when a physician is unavailable to sign a certificate of death.

43 6. When the cause of death is established by the coroner, [he] **the coroner** shall file a
44 copy of [his] **the** findings in [his] **the coroner's** office within thirty days.

45 7. If on view of the dead body and after personal inquiry into the cause and manner of
46 death, the coroner determines that a further examination is necessary in the public interest, the
47 coroner on [his] **the coroner's** own authority may make or cause to be made an autopsy on the
48 body. The coroner may on [his] **the coroner's** own authority employ the services of a
49 pathologist, chemist, or other expert to aid in the examination of the body or of substances
50 supposed to have caused or contributed to death, and if the pathologist, chemist, or other expert
51 is not already employed by the city or county for the discharge of such services, [he] **the**
52 **pathologist, chemist, or other expert** shall, upon written authorization of the coroner, be

53 allowed reasonable compensation, payable by the city or county, in the manner provided in
54 section 58.530. The coroner shall, at the time of the autopsy, record or cause to be recorded each
55 fact and circumstance tending to show the condition of the body and the cause and manner of
56 death.

57 8. If on view of the dead body and after personal inquiry into the cause and manner of
58 death, the coroner considers a further inquiry and examination necessary in the public interest,
59 [he] **the coroner** shall make out [his] **the coroner's** warrant directed to the sheriff of the city or
60 county requiring [him] **the sheriff** forthwith to summon six good and lawful citizens of the
61 county to appear before the coroner, at the time and place expressed in the warrant, and to inquire
62 how and by whom the deceased [came to his death] **died**.

63 9. (1) When a person is being transferred from one county to another county **or into the**
64 **state of Missouri** for medical treatment and such person dies while being transferred, **or dies**
65 **while being treated in the emergency room of the receiving facility** the [county] **place** from
66 which the person is first removed shall be considered the place of death and the county coroner
67 **or medical examiner** of the county **or state** from which the person was being transferred shall
68 be responsible for the **Missouri** certificate of death and for investigating the cause and manner
69 of the death. [If]

70 (2) The coroner or medical examiner in the county in which the person [died believes
71 that further investigation is warranted and a postmortem examination is needed, such coroner or
72 medical examiner shall have the right to further investigate and perform the postmortem
73 examination] **is determined to be dead may with authorization of the coroner or medical**
74 **examiner from the transferring county or state, investigate and conduct postmortem**
75 **examinations** at the expense of [such] **the coroner or medical examiner [and shall be] from the**
76 **transferring county or state. The coroner or medical examiner from the transferring**
77 **county or state shall be** responsible for the **Missouri** certificate of death and for investigating
78 the cause and manner of the death. [Such]

79 (3) **The emergency room staff or the coroner or medical examiner from the county**
80 **where a person is determined to be dead** shall immediately notify the coroner or medical
81 examiner of the county **or state** from which the person was being transferred of the death of such
82 person [and after an investigation is completed shall notify such coroner or medical examiner
83 of his findings], **and shall make available information and records necessary for**
84 **investigation of the death**.

85 (4) If a person does not die while being transferred and is institutionalized **as a regularly**
86 **admitted patient** after such transfer and subsequently dies while in such institution, the coroner
87 or medical examiner of the county in which the person [dies] **is determined to be dead** shall
88 immediately notify the coroner or medical examiner of the county **or state** from which such

89 person was transferred of the death of such person. In such cases, the county in which the
90 deceased was institutionalized shall be considered the place of death.

91 **(5) In the case of death by homicide, suicide, accident, criminal abortion including**
92 **those that are self-induced, child fatality, or by any unusual or suspicious manner, the**
93 **investigation of the cause and manner of death shall revert to the county or state of origin,**
94 **and this coroner or medical examiner shall be responsible for the Missouri certificate of**
95 **death.**

96 **(6) There shall not be any statute of limitations or time limits on the cause of death**
97 **when death is the final result or determined to be caused by homicide, suicide, accident,**
98 **child fatality, criminal abortion including those self-induced, or by any unusual or**
99 **suspicious manner. The place of death shall be the place in which the person is determined**
100 **to be dead. The final investigation of death in determining the cause and manner of death**
101 **shall revert to the county or state of origin, and the coroner or medical examiner of such**
102 **county or state shall be responsible for the Missouri certificate of death.**

103 10. Except as provided in subsection 9 of this section, if a person dies in one county and
104 [his] the body is subsequently transferred to another county **or into the state of Missouri, for**
105 **burial or other reasons**, the county coroner or medical examiner where the death occurred shall
106 be responsible for the certificate of death and for investigating the cause and manner of the death.

107 11. In performing [his] **the duties of the office**, the coroner or medical examiner shall
108 make reasonable efforts to accommodate organ **and tissue** donation.

58.720. 1. When any person dies within a county having a medical examiner as a result
2 of:

3 (1) Violence by homicide, suicide, or accident;

4 (2) Thermal, chemical, electrical, or radiation injury;

5 (3) Criminal abortions, including those self-induced;

6 (4) Disease thought to be of a hazardous and contagious nature or which might constitute
7 a threat to public health; or when any person dies:

8 (a) Suddenly when in apparent good health;

9 (b) When unattended by a physician, chiropractor, or an accredited Christian Science
10 practitioner, during the period of thirty-six hours immediately preceding his death;

11 (c) While in the custody of the law, or while an inmate in a public institution;

12 (d) In any unusual or suspicious manner;

13 the police, sheriff, law enforcement officer or official, or any person having knowledge of such
14 a death shall immediately notify the office of the medical examiner of the known facts
15 concerning the time, place, manner and circumstances of the death.

16 Immediately upon receipt of notification, the medical examiner or his designated assistant shall

17 take charge of the dead body and fully investigate the essential facts concerning the medical
18 causes of death. He may take the names and addresses of witnesses to the death and shall file
19 this information in his office. The medical examiner or his designated assistant shall take
20 possession of all property of value found on the body, making exact inventory thereof on his
21 report and shall direct the return of such property to the person entitled to its custody or
22 possession. The medical examiner or his designated assistant examiner shall take possession of
23 any object or article which, in his opinion, may be useful in establishing the cause of death, and
24 deliver it to the prosecuting attorney of the county.

25 2. When a death occurs outside a licensed health care facility, the first licensed medical
26 professional or law enforcement official learning of such death shall contact the county medical
27 examiner. Immediately upon receipt of such notification, the medical examiner or the medical
28 examiner's deputy shall make a determination if further investigation is necessary, based on
29 information provided by the individual contacting the medical examiner, and immediately advise
30 such individual of the medical examiner's intentions.

31 3. In any case of sudden, violent or suspicious death after which the body was buried
32 without any investigation or autopsy, the medical examiner, upon being advised of such facts,
33 may at his own discretion request that the prosecuting attorney apply for a court order requiring
34 the body to be exhumed.

35 4. The medical examiner shall certify the cause of death in any case where death
36 occurred without medical attendance or where an attending physician refuses to sign a certificate
37 of death, and may sign a certificate of death in the case of any death.

38 5. When the cause of death is established by the medical examiner, he shall file a copy
39 of his findings in his office within thirty days after notification of the death.

40 6. **(1)** When a person is being transferred from one county to another county **or into the**
41 **state of Missouri** for medical treatment and such person dies while being transferred, **or dies**
42 **while being treated in the emergency room of the receiving facility**, the [county] **place** from
43 which the person is first removed shall be considered the place of death and the **county coroner**
44 **or** medical examiner of the county **or state** from which the person was being transferred shall
45 be responsible for the **Missouri** certificate of death and for investigating the cause and manner
46 of the death. [If]

47 **(2)** The coroner or medical examiner in the county in which the person [died believes
48 that further investigation is warranted and a postmortem examination is needed, such coroner or
49 medical examiner shall have the right to further investigate and perform the postmortem
50 examination] **is determined to be dead may, with authorization of the coroner or medical**
51 **examiner from the transferring county or state, investigate and conduct postmortem**
52 **examinations** at the expense of [such] **the** coroner or medical examiner [and shall be] **from the**

53 **transferring county. The coroner or medical examiner from the transferring county or**
54 **state shall be** responsible for the Missouri certificate of death and for investigating the cause
55 and manner of the death. [Such]

56 **(3) The emergency room staff or the coroner or medical examiner from the county**
57 **where a person is determined to be dead** shall immediately notify the coroner or medical
58 examiner of the county **or state** from which the person was being transferred of the death of such
59 person [and after an investigation is completed shall notify such coroner or medical examiner
60 of his findings], **and shall make available information and records necessary for**
61 **investigation of the death.**

62 **(4) If a person does not die while being transferred and is institutionalized as a regularly**
63 **admitted patient** after such transfer and subsequently dies while in such institution, the coroner
64 or medical examiner of the county in which the person [dies] **is determined to be dead** shall
65 immediately notify the coroner or medical examiner of the county **or state** from which such
66 person was transferred of the death of such person. In such cases, the county in which the
67 deceased was institutionalized shall be considered the place of death.

68 **(5) In the case of death by homicide, suicide, accident, criminal abortion including**
69 **those that are self-induced, child fatality, or by any unusual or suspicious manner, the**
70 **investigation of the cause and manner of death shall revert to the county or state of origin,**
71 **and this coroner or medical examiner shall be responsible for the Missouri certificate of**
72 **death.**

73 **(6) There shall not be any statute of limitations or time limits on the cause of death**
74 **when death is the final result or determined to be caused by homicide, suicide, accident,**
75 **criminal abortion including those self-induced, child fatality, or by any unusual or**
76 **suspicious manner. The place of death shall be the place in which the person is determined**
77 **to be dead, but the final investigation of death determining the cause and manner of death**
78 **shall revert to the county or state of origin, and this coroner or medical examiner shall be**
79 **responsible for the Missouri certificate of death.**

80 7. Except as provided in subsection 6 of this section, if a person dies in one county and
81 [his] **the** body is subsequently transferred to another county **or into the state of Missouri, for**
82 **burial or other reasons**, the county coroner or medical examiner where the death occurred shall
83 be responsible for the certificate of death and for investigating the cause and manner of the death.

84 8. In performing [his] **the** duties, the coroner or medical examiner shall make reasonable
85 efforts to accommodate organ **and tissue** donation.