

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 11-1258

BY REPRESENTATIVE(S) Baumgardner, Casso, Court, Lee, Liston, Miklosi, Ryden, Schafer S., Fields, Fischer, Labuda, Wilson, Gardner B.; also SENATOR(S) Newell, Foster, King S., Guzman, Spence, Williams S.

CONCERNING FORENSIC AUTOPSIES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) It is in the interest of public safety that Colorado provide standards for coroners that are based on national best practices while still permitting coroners to abide by the current state statutes that govern their practice; and

(b) Coroners should avoid all possible conflicts of interest when complying with the provisions of this act.

SECTION 2. 30-10-606 (2), Colorado Revised Statutes, is amended to read:

30-10-606. Coroner - inquiry - grounds - postmortem - jury -

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

certificate of death. (2) The coroner shall ~~if he or the district attorney deems it advisable, cause a post-mortem examination of the body of the deceased to be made by a licensed physician to determine the cause of death~~ PERFORM A FORENSIC AUTOPSY OR HAVE A FORENSIC AUTOPSY PERFORMED AS REQUIRED BY SECTION 30-10-606.5 OR UPON THE REQUEST OF THE DISTRICT ATTORNEY.

SECTION 3. Part 6 of article 10 of title 30, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

30-10-606.5. When autopsy performed - jurisdiction - qualifications to perform. (1) (a) THE CORONER SHALL PERFORM A FORENSIC AUTOPSY OR HAVE A FORENSIC AUTOPSY PERFORMED IN ACCORDANCE WITH THE CIRCUMSTANCES IN THE MOST RECENT VERSION OF THE "FORENSIC AUTOPSY PERFORMANCE STANDARDS" ADOPTED BY THE NATIONAL ASSOCIATION OF MEDICAL EXAMINERS, WHEN THE DEATH IS APPARENTLY NONNATURAL AND OCCURS IN A FACILITY OR DURING SERVICES REGULATED BY THE DEPARTMENT OF HUMAN SERVICES, AND WHEN THE DEATH IS THE RESULT OF AN AUTOMOBILE ACCIDENT AND A HOSPITAL PHYSICIAN HAS NOT DOCUMENTED THE EXTENT OF THE INJURIES.

(b) IF A PERSON IS INVOLVED IN AN INCIDENT THAT REQUIRES THE PERSON TO BE TRANSPORTED TO A MEDICAL FACILITY OUTSIDE THE COUNTY WHERE THE INCIDENT OCCURRED AND THE PERSON DIES IN ROUTE TO OR AT THE MEDICAL FACILITY OUTSIDE THE COUNTY WHERE THE INCIDENT OCCURRED, THE CORONER FOR THE COUNTY WHERE THE INCIDENT OCCURRED SHALL TAKE POSSESSION OF THE BODY AND SHALL COMPLY WITH THE PROVISIONS OF THIS SECTION.

(2) (a) EXCEPT AS PROVIDED IN PARAGRAPHS (b) AND (c) OF THIS SUBSECTION (2), ALL FORENSIC AUTOPSIES REQUIRED TO BE PERFORMED PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL BE PERFORMED BY A BOARD-CERTIFIED FORENSIC PATHOLOGIST.

(b) A PHYSICIAN WHO HAS COMPLETED A FORENSIC PATHOLOGY FELLOWSHIP AND IS PRACTICING FORENSIC PATHOLOGY IN COLORADO AND WHO IS NOT A BOARD-CERTIFIED FORENSIC PATHOLOGIST AS OF THE EFFECTIVE DATE OF THIS SECTION MAY PERFORM A FORENSIC AUTOPSY REQUIRED PURSUANT TO SUBSECTION (1) OF THIS SECTION.

(c) A FORENSIC PATHOLOGIST WHO HAS COMPLETED A FORENSIC PATHOLOGY FELLOWSHIP MAY PERFORM FORENSIC AUTOPSIES FOR FOUR YEARS FROM THE DATE OF COMPLETION OF THE FELLOWSHIP BEFORE BECOMING A BOARD-CERTIFIED FORENSIC PATHOLOGIST.

(d) A PATHOLOGY RESIDENT OR FORENSIC PATHOLOGY FELLOW MAY PERFORM A FORENSIC AUTOPSY REQUIRED PURSUANT TO SUBSECTION (1) OF THIS SECTION UNDER THE DIRECT SUPERVISION OF A BOARD-CERTIFIED FORENSIC PATHOLOGIST.

(e) FOR PURPOSES OF THIS SUBSECTION (2), "DIRECT SUPERVISION" MEANS SUPERVISION THAT IS WITHIN THE FACILITY WHERE A PATHOLOGY RESIDENT OR FORENSIC PATHOLOGY FELLOW IS PERFORMING AN AUTOPSY AND THAT REQUIRES A BOARD-CERTIFIED FORENSIC PATHOLOGIST'S PRESENCE AND AVAILABILITY FOR PROMPT CONSULTATION.

SECTION 4. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Frank McNulty
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO