

then the bill would have no impact. If the person charged has the highest priority, the coroner would skip that person and contact the next person prioritized. The bill does not require a coroner to keep a body for a longer period of time *per se*; rather, the coroner would simply pass over the person charged and contact the next person prioritized to decide on disposition. This process could take additional time. If no such person can be found, the coroner may need to retain a decedent's body until a person petitions the court to waive the disqualification.

Delays may be more likely if the decedent has fewer connections with the community or has fewer records that might indicate the identity of relatives. There could be also be concerns about disposition within any timeframe necessitated by religious custom.

For any extra period of time required for storing human remains, the Fayette County Coroner reported the cost would be "large":

- the average body bag costs \$40;
- transportation of the remains if contracted to a funeral home averages about \$200;
- about 80% of coroners do not have a morgue cooler. The average cost for refrigeration of human remains (with a local funeral home, mortuary, or crematory that permits it) is \$38.25/day, with an establishment charge of \$88, \$90, and \$100/day. The average cost to purchase a morgue refrigerator is \$3,500. Electric charges would be additional;
- cost of training and communication between the coroner (DOCJT) and the funeral director (State Board of Embalmers and Funeral Directors).

The Franklin County Coroner also reported costs with the bill, reporting that most coroners' offices in Kentucky do not have their own cold storage facility, thus would not have the equipment, staff, or ability to shelter a decedent while searching for next of kin. The cost of a storage facility would be significant. There would also be costs associated with training staff to assess each case and communicating with funeral directors, police, or attorneys. Funeral homes would need proper training and explanation to communicate with families and attorneys. There is a logistical problem in that the bill does not address the reality that criminal charges may take some period of time to evolve, very possibly after the funeral service.

For a perspective of the number of instances that might be involved, in 2017, there were 2,471 autopsies in Kentucky, of which 325 were determined to be homicides. There were 295 suicides, 1,159 accidents, 167 undetermined, 12 pending, and one with remains of no forensic significance. According to a brochure of the Kentucky Office of the Chief Medical Examiner, "the autopsy and other tests rarely delay the release of the body to the next-of-kin."

Part III: Differences to Local Government Mandate Statement from Prior Versions

Part II, above, pertains to SB 66 HCS 1. **The fiscal impact of SB 66 HCS 1 is the same as it was with SB 66 GA.** SB 66 HCS 1 was nearly identical to SB 66 GA, making only the following change:

- deleted the word “recklessly” from the list of culpable mental states that would preclude a person from having a right to control disposition of a decedent’s remains. The result is to exclude a person who commits the offense of “reckless homicide” under KRS 507.050 or “fetal homicide in the fourth degree” under KRS 507A.050 from the bill’s provisions. Under KRS 502.020(4), “[a] person acts recklessly with respect to a result or to a circumstance described by a statute defining an offense when he fails to perceive a substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be of such nature and degree that failure to perceive it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation.”

The fiscal impact of SB 66 GA was the same as SB 66 as introduced. The GA version was identical to the introduced version of the bill. No amendments or substitutes were adopted when the bill passed its chamber of origin.

Data Source(s): LRC staff; Fayette County Coroner; Franklin County Coroner; KRS 367.93117; Kentucky Office of State Medical Examiner, 2017 Annual Report; <https://justice.ky.gov/Documents/Medical%20Examiners/KentuckyMedicalExaminerBrochure.pdf>

Preparer: Robert Jenkins **Reviewer:** KHC **Date:** 3/19/20