

SECOND REGULAR SESSION

HOUSE BILL NO. 1620

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE VAN SCHOIACK.

3485H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 58.451 and 58.720, RSMo, and to enact in lieu thereof two new sections relating to autopsies.

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Section A. Sections 58.451 and 58.720, RSMo, are repealed and two new sections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;

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11 the police, sheriff, law enforcement officer or official, or any person having knowledge of
12 such a death shall immediately notify the coroner of the known facts concerning the time,
13 place, manner and circumstances of the death. Immediately upon receipt of notification, the
14 coroner or deputy coroner shall take charge of the dead body and fully investigate the
15 essential facts concerning the medical causes of death, including whether by the act of man,
16 and the manner of death. The coroner or deputy coroner may take the names and addresses of
17 witnesses to the death and shall file this information in the coroner's office. The coroner or

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.

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

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

30 3. Notwithstanding the provisions of subsection 2 of this section to the contrary, when
31 a death occurs under the care of a hospice, no investigation shall be required if the death is
32 certified by the treating physician of the deceased or the medical director of the hospice as a
33 natural death due to disease or diagnosed illness. The hospice shall provide written notice to
34 the coroner within twenty-four hours of the death.

35 4. Upon taking charge of the dead body and before moving the body the coroner shall
36 notify the police department of any city in which the dead body is found, or if the dead body
37 is found in the unincorporated area of a county governed by the provisions of sections 58.451
38 to 58.457, the coroner shall notify the county sheriff or the highway patrol and cause the body
39 to remain unmoved until the police department, sheriff or the highway patrol has inspected
40 the body and the surrounding circumstances and carefully noted the appearance, the condition
41 and position of the body and recorded every fact and circumstance tending to show the cause
42 and manner of death, with the names and addresses of all known witnesses, and shall
43 subscribe the same and make such record a part of the coroner's report.

44 5. In any case of sudden, violent or suspicious death after which the body was buried
45 without any investigation or autopsy, the coroner, upon being advised of such facts, may at
46 the coroner's own discretion request that the prosecuting attorney apply for a court order
47 requiring the body to be exhumed.

48 6. **(1)** The coroner may certify the cause of death in any case where death occurred
49 without medical attendance or where an attending physician refuses to sign a certificate of
50 death or when a physician is unavailable to sign a certificate of death.

51 **(2) If a person whose death occurred without medical attendance has any estate,**
52 **the costs and expenses of any autopsy performed on his or her body shall be paid out of**
53 **his or her estate. If there is no estate, the costs and expenses shall be paid by the county**
54 **unless otherwise specially provided by law.**

55 7. When the cause of death is established by the coroner, the coroner shall file a copy
56 of the findings in the coroner's office within thirty days.

57 8. If on view of the dead body and after personal inquiry into the cause and manner of
58 death, the coroner determines that a further examination is necessary in the public interest, the
59 coroner on the coroner's own authority may make or cause to be made an autopsy on the body.
60 The coroner may on the coroner's own authority employ the services of a pathologist,
61 chemist, or other expert to aid in the examination of the body or of substances supposed to
62 have caused or contributed to death, and if the pathologist, chemist, or other expert is not
63 already employed by the city or county for the discharge of such services, the pathologist,
64 chemist, or other expert shall, upon written authorization of the coroner, be allowed
65 reasonable compensation, payable by the city or county, in the manner provided in section
66 58.530. The coroner shall, at the time of the autopsy, record or cause to be recorded each fact
67 and circumstance tending to show the condition of the body and the cause and manner of
68 death.

69 9. If on view of the dead body and after personal inquiry into the cause and manner of
70 death, the coroner considers a further inquiry and examination necessary in the public
71 interest, the coroner shall make out the coroner's warrant directed to the sheriff of the city or
72 county requiring the sheriff forthwith to summon six good and lawful citizens of the county to
73 appear before the coroner, at the time and place expressed in the warrant, and to inquire how
74 and by whom the deceased died.

75 10. (1) When a person is being transferred from one county to another county for
76 medical treatment and such person dies while being transferred, or dies while being treated in
77 the emergency room of the receiving facility the place which the person is determined to be
78 dead shall be considered the place of death and the county coroner or medical examiner of the
79 county from which the person was originally being transferred shall be responsible for
80 determining the cause and manner of death for the Missouri certificate of death.

81 (2) The coroner or medical examiner in the county in which the person is determined
82 to be dead may with authorization of the coroner or medical examiner from the original
83 transferring county, investigate and conduct postmortem examinations at the expense of the
84 coroner or medical examiner from the original transferring county. The coroner or medical
85 examiner from the original transferring county shall be responsible for investigating the
86 circumstances of such and completing the Missouri certificate of death. The certificate of
87 death shall be filed in the county where the deceased was pronounced dead.

88 (3) Such coroner or medical examiner of the county where a person is determined to
89 be dead shall immediately notify the coroner or medical examiner of the county from which
90 the person was originally being transferred of the death of such person, and shall make
91 available information and records obtained for investigation of the death.

92 (4) If a person does not die while being transferred and is institutionalized as a
93 regularly admitted patient after such transfer and subsequently dies while in such institution,
94 the coroner or medical examiner of the county in which the person is determined to be dead
95 shall immediately notify the coroner or medical examiner of the county from which such
96 person was originally transferred of the death of such person. In such cases, the county in
97 which the deceased was institutionalized shall be considered the place of death. If the manner
98 of death is by homicide, suicide, accident, criminal abortion including those that are self-
99 induced, child fatality, or any unusual or suspicious manner, the investigation of the cause and
100 manner of death shall revert to the county of origin, and this coroner or medical examiner
101 shall be responsible for the Missouri certificate of death. The certificate of death shall be
102 filed in the county where the deceased was pronounced dead.

103 11. There shall not be any statute of limitations or time limits on the cause of death
104 when death is the final result or determined to be caused by homicide, suicide, accident, child
105 fatality, criminal abortion including those self-induced, or any unusual or suspicious manner.
106 The place of death shall be the place in which the person is determined to be dead. The final
107 investigation of death in determining the cause and matter of death shall revert to the county
108 of origin, and the coroner or medical examiner of such county shall be responsible for the
109 Missouri certificate of death. The certificate of death shall be filed in the county where the
110 deceased was pronounced dead.

111 12. Except as provided in subsection 10 of this section, if a person dies in one county
112 and the body is subsequently transferred to another county, for burial or other reasons, the
113 county coroner or medical examiner where the death occurred shall be responsible for the
114 certificate of death and for investigating the cause and manner of the death.

115 13. In performing the duties, the coroner or medical examiner shall comply with
116 sections 58.775 to 58.785 with respect to organ donation.

58.720. 1. When any person dies within a county having a medical examiner as a
2 result 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
7 constitute 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;

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14 the police, sheriff, law enforcement officer or official, or any person having knowledge of
15 such a death shall immediately notify the office of the medical examiner of the known facts
16 concerning the time, place, manner and circumstances of the death. Immediately upon receipt
17 of notification, the medical examiner or his **or her** designated assistant shall take charge of
18 the dead body and fully investigate the essential facts concerning the medical causes of death.
19 He **or she** may take the names and addresses of witnesses to the death and shall file this
20 information in his **or her** office. The medical examiner or his **or her** designated assistant
21 shall take possession of all property of value found on the body, making exact inventory
22 thereof on his **or her** report and shall direct the return of such property to the person entitled
23 to its custody or possession. The medical examiner or his **or her** designated assistant
24 examiner shall take possession of any object or article which, in his **or her** opinion, may be
25 useful in establishing the cause of death, and deliver it to the prosecuting attorney of the
26 county.

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

33 3. Notwithstanding the provisions of subsection 2 of this section to the contrary, when
34 a death occurs under the care of a hospice, no investigation shall be required if the death is
35 certified by the treating physician of the deceased or the medical director of the hospice as a
36 natural death due to disease or diagnosed illness. The hospice shall provide written notice to
37 the medical examiner within twenty-four hours of the death.

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

42 5. **(1)** The medical examiner shall certify the cause of death in any case where death
43 occurred without medical attendance or where an attending physician refuses to sign a
44 certificate of death, and may sign a certificate of death in the case of any death.

45 **(2) If a person whose death occurred without medical attendance has any estate,**
46 **the costs and expenses of any autopsy performed on his or her body shall be paid out of**
47 **his or her estate. If there is no estate, the costs and expenses shall be paid by the county**
48 **unless otherwise specially provided by law.**

49 6. When the cause of death is established by the medical examiner, he **or she** shall file
50 a copy of his **or her** findings in his **or her** office within thirty days after notification of the
51 death.

52 7. (1) When a person is being transferred from one county to another county for
53 medical treatment and such person dies while being transferred, or dies while being treated in
54 the emergency room of the receiving facility, the place which the person is determined to be
55 dead shall be considered the place of death and the county coroner or the medical examiner of
56 the county from which the person was originally being transferred shall be responsible for
57 determining the cause and manner of death for the Missouri certificate of death.

58 (2) The coroner or medical examiner in the county in which the person is determined
59 to be dead may, with authorization of the coroner or medical examiner from the transferring
60 county, investigate and conduct postmortem examinations at the expense of the coroner or
61 medical examiner from the transferring county. The coroner or medical examiner from the
62 transferring county shall be responsible for investigating the circumstances of such and
63 completing the Missouri certificate of death. The certificate of death shall be filed in the
64 county where the deceased was pronounced dead.

65 (3) Such coroner or medical examiner, or the county where a person is determined to
66 be dead, shall immediately notify the coroner or medical examiner of the county from which
67 the person was originally being transferred of the death of such person and shall make
68 available information and records obtained for investigation of death.

69 (4) If a person does not die while being transferred and is institutionalized as a
70 regularly admitted patient after such transfer and subsequently dies while in such institution,
71 the coroner or medical examiner of the county in which the person is determined to be dead
72 shall immediately notify the coroner or medical examiner of the county from which such
73 person was originally transferred of the death of such person. In such cases, the county in
74 which the deceased was institutionalized shall be considered the place of death. If the manner
75 of death is by homicide, suicide, accident, criminal abortion including those that are self-
76 induced, child fatality, or any unusual or suspicious manner, the investigation of the cause and
77 manner of death shall revert to the county of origin, and this coroner or medical examiner
78 shall be responsible for the Missouri certificate of death. The certificate of death shall be
79 filed in the county where the deceased was pronounced dead.

80 8. There shall not be any statute of limitations or time limits on cause of death when
81 death is the final result or determined to be caused by homicide, suicide, accident, criminal
82 abortion including those self-induced, child fatality, or any unusual or suspicious manner.
83 The place of death shall be the place in which the person is determined to be dead, but the
84 final investigation of death determining the cause and manner of death shall revert to the
85 county of origin, and this coroner or medical examiner shall be responsible for the Missouri

86 certificate of death. The certificate of death shall be filed in the county where the deceased
87 was pronounced dead.

88 9. Except as provided in subsection 7 of this section, if a person dies in one county
89 and the body is subsequently transferred to another county, for burial or other reasons, the
90 county coroner or medical examiner where the death occurred shall be responsible for the
91 certificate of death and for investigating the cause and manner of the death.

92 10. In performing the duties, the coroner or medical examiner shall comply with
93 sections 58.775 to 58.785 with respect to organ donation.

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