

SECOND REGULAR SESSION

# HOUSE BILL NO. 1289

## 92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE COOPER (120).

Read 1<sup>st</sup> time January 28, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4289L.011

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### AN ACT

To repeal section 58.451, RSMo, and to enact in lieu thereof one new section relating to coroners' reports.

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

Section A. Section 58.451, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 58.451, to read as follows:

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

- (1) Violence by homicide, suicide, or accident;
- (2) Criminal abortions, including those self-induced;
- (3) Some unforeseen sudden occurrence and the deceased had not been attended by a physician during the thirty-six-hour period preceding the death;
- (4) In any unusual or suspicious manner;
- (5) Any injury or illness while in the custody of the law or while an inmate in a public institution; the police, sheriff, law enforcement officer or official, or any person having knowledge of such a death shall immediately notify the coroner of the known facts concerning the time, place, manner and circumstances of the death. Immediately upon receipt of notification, the coroner or **[his] the coroner's** deputy shall take charge of the dead body and fully investigate the essential facts concerning the medical causes of death, including whether by the act of man, and the manner of death. **[He] The coroner** may take the names and addresses of witnesses to the death and shall file this information in **[his] the coroner's** office.

The coroner or **[his] the coroner's** deputy shall take possession of all property of value found

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law 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 **the coroner's** deputy shall take possession of any object or article which, in [his] **the coroner's**  
20 opinion, may be useful in establishing the cause of death, and deliver it to the prosecuting  
21 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. When a person is being transferred from one county to another county **or into the**  
64 **state** for medical treatment and such person dies while being transferred, **or dies while being**  
65 **treated in the emergency room of the receiving facility**, the county **or state** from which the  
66 person is first removed shall be considered the place of death and the county coroner **or medical**  
67 **examiner** of the county from which the person was being transferred shall be responsible for the  
68 certificate of death and for investigating the cause and manner of the death. [If] The coroner or  
69 medical examiner in the county in which the person [died believes that further investigation is  
70 warranted and a postmortem examination is needed, such coroner or medical examiner shall have  
71 the right to further investigate and perform the postmortem examination] **is determined to be**  
72 **dead may with authorization of the coroner or medical examiner from the transferring**  
73 **county investigate and conduct postmortem examinations** at the expense of [such] **the**  
74 coroner or medical examiner [and] **from the transferring county. The coroner or medical**  
75 **examiner from the transferring county** shall be responsible for the certificate of death and for  
76 investigating the cause and manner of the death. [Such] **A coroner [or], medical examiner, or**  
77 **the emergency room staff from the county where a person is determined to be dead** shall  
78 immediately notify the coroner or medical examiner of the county from which the person was  
79 being transferred of the death of such person and [after an investigation is completed shall notify  
80 such coroner or medical examiner of his findings] **shall make available information and**  
81 **records necessary for investigation of the death.** If a person does not die while being  
82 transferred and is institutionalized **as a regularly admitted patient** after such transfer and  
83 subsequently dies while in such institution, the coroner [or], medical examiner, **or medical**  
84 **facility** of the county in which the person [dies] **is determined to be dead** shall immediately  
85 notify the coroner or medical examiner of the county from which such person was transferred  
86 of the death of such person. In such cases, the county in which the deceased was  
87 institutionalized shall be considered the place of death. **In the case of death by homicide,**  
88 **suicide, child fatality, or any unusual or suspicious manner, the investigation of the cause**

89 **and manner of death shall revert to the county of origin.**

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

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