

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 1895

99TH GENERAL ASSEMBLY

5657H.02P

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

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

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*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Section A. Sections 58.451 and 58.720, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 58.451 and 58.720, to read as follows: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 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 deputy coroner 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. The coroner or deputy coroner may take the names and addresses of witnesses to the death and shall file this information in the coroner's office. The coroner or deputy coroner shall

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

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

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

34         ~~[3-]~~ 4. Upon taking charge of the dead body and before moving the body the coroner  
35 shall notify the police department of any city in which the dead body is found, or if the dead body  
36 is found in the unincorporated area of a county governed by the provisions of sections 58.451  
37 to 58.457, the coroner shall notify the county sheriff or the highway patrol and cause the body  
38 to remain unmoved until the police department, sheriff or the highway patrol has inspected the  
39 body and the surrounding circumstances and carefully noted the appearance, the condition and  
40 position of the body and recorded every fact and circumstance tending to show the cause and  
41 manner of death, with the names and addresses of all known witnesses, and shall subscribe the  
42 same and make such record a part of the coroner's report.

43         ~~[4-]~~ 5. In any case of sudden, violent or suspicious death after which the body was buried  
44 without any investigation or autopsy, the coroner, upon being advised of such facts, may at the  
45 coroner's own discretion request that the prosecuting attorney apply for a court order requiring  
46 the body to be exhumed.

47         ~~[5-]~~ 6. The coroner may certify the cause of death in any case where death occurred  
48 without medical attendance or where an attending physician refuses to sign a certificate of death  
49 or when a physician is unavailable to sign a certificate of death.

50         ~~[6-]~~ 7. When the cause of death is established by the coroner, the coroner shall file a copy  
51 of the findings in the coroner's office within thirty days.

52         ~~[7-]~~ 8. If on view of the dead body and after personal inquiry into the cause and manner  
53 of death, the coroner determines that a further examination is necessary in the public interest, the

54 coroner on the coroner's own authority may make or cause to be made an autopsy on the body.  
55 The coroner may on the coroner's own authority employ the services of a pathologist, chemist,  
56 or other expert to aid in the examination of the body or of substances supposed to have caused  
57 or contributed to death, and if the pathologist, chemist, or other expert is not already employed  
58 by the city or county for the discharge of such services, the pathologist, chemist, or other expert  
59 shall, upon written authorization of the coroner, be allowed reasonable compensation, payable  
60 by the city or county, in the manner provided in section 58.530. The coroner shall, at the time  
61 of the autopsy, record or cause to be recorded each fact and circumstance tending to show the  
62 condition of the body and the cause and manner of death.

63 ~~[8-]~~ **9.** If on view of the dead body and after personal inquiry into the cause and manner  
64 of death, the coroner considers a further inquiry and examination necessary in the public interest,  
65 the coroner shall make out the coroner's warrant directed to the sheriff of the city or county  
66 requiring the sheriff forthwith to summon six good and lawful citizens of the county to appear  
67 before the coroner, at the time and place expressed in the warrant, and to inquire how and by  
68 whom the deceased died.

69 ~~[9-]~~ **10.** (1) When a person is being transferred from one county to another county for  
70 medical treatment and such person dies while being transferred, or dies while being treated in  
71 the emergency room of the receiving facility, the place which the person is determined to be dead  
72 shall be considered the place of death and the county coroner or medical examiner of the county  
73 from which the person was originally being transferred shall be responsible for determining the  
74 cause and manner of death for the Missouri certificate of death.

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

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

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

90 originally transferred of the death of such person. In such cases, the county in which the  
91 deceased was institutionalized shall be considered the place of death. If the manner of death is  
92 by homicide, suicide, accident, criminal abortion including those that are self-induced, child  
93 fatality, or any unusual or suspicious manner, the investigation of the cause and manner of death  
94 shall revert to the county of origin, and this coroner or medical examiner shall be responsible for  
95 the Missouri certificate of death. The certificate of death shall be filed in the county where the  
96 deceased was pronounced dead.

97 ~~[40.]~~ **11.** There shall not be any statute of limitations or time limits on the cause of death  
98 when death is the final result or determined to be caused by homicide, suicide, accident, child  
99 fatality, criminal abortion including those self-induced, or any unusual or suspicious manner.  
100 The place of death shall be the place in which the person is determined to be dead. The final  
101 investigation of death in determining the cause and matter of death shall revert to the county of  
102 origin, and the coroner or medical examiner of such county shall be responsible for the Missouri  
103 certificate of death. The certificate of death shall be filed in the county where the deceased was  
104 pronounced dead.

105 ~~[41.]~~ **12.** Except as provided in subsection ~~[9]~~ **10** of this section, if a person dies in one  
106 county and the body is subsequently transferred to another county, for burial or other reasons,  
107 the county coroner or medical examiner where the death occurred shall be responsible for the  
108 certificate of death and for investigating the cause and manner of the death.

109 ~~[42.]~~ **13.** In performing the duties, the coroner or medical examiner shall comply with  
110 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 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  
14 the police, sheriff, law enforcement officer or official, or any person having knowledge of such  
15 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 designated assistant shall take charge of the dead  
18 body and fully investigate the essential facts concerning the medical causes of death. He may  
19 take the names and addresses of witnesses to the death and shall file this information in his  
20 office. The medical examiner or his designated assistant shall take possession of all property of  
21 value found on the body, making exact inventory thereof on his report and shall direct the return  
22 of such property to the person entitled to its custody or possession. The medical examiner or his  
23 designated assistant examiner shall take possession of any object or article which, in his opinion,  
24 may be useful in establishing the cause of death, and deliver it to the prosecuting attorney of the  
25 county.

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

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

37         ~~[3-]~~ 4. In any case of sudden, violent or suspicious death after which the body was buried  
38 without any investigation or autopsy, the medical examiner, upon being advised of such facts,  
39 may at his own discretion request that the prosecuting attorney apply for a court order requiring  
40 the body to be exhumed.

41         ~~[4-]~~ 5. The medical examiner shall certify the cause of death in any case where death  
42 occurred without medical attendance or where an attending physician refuses to sign a certificate  
43 of death, and may sign a certificate of death in the case of any death.

44         ~~[5-]~~ 6. When the cause of death is established by the medical examiner, he shall file a  
45 copy of his findings in his office within thirty days after notification of the death.

46         ~~[6-]~~ 7. (1) When a person is being transferred from one county to another county for  
47 medical treatment and such person dies while being transferred, or dies while being treated in  
48 the emergency room of the receiving facility, the place which the person is determined to be dead  
49 shall be considered the place of death and the county coroner or the medical examiner of the  
50 county from which the person was originally being transferred shall be responsible for  
51 determining the cause and manner of death for the Missouri certificate of death.

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

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

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

74           ~~[7-]~~ **8.** There shall not be any statute of limitations or time limits on cause of death when  
75 death is the final result or determined to be caused by homicide, suicide, accident, criminal  
76 abortion including those self-induced, child fatality, or any unusual or suspicious manner. The  
77 place of death shall be the place in which the person is determined to be dead, but the final  
78 investigation of death determining the cause and manner of death shall revert to the county of  
79 origin, and this coroner or medical examiner shall be responsible for the Missouri certificate of  
80 death. The certificate of death shall be filed in the county where the deceased was pronounced  
81 dead.

82           ~~[8-]~~ **9.** Except as provided in subsection ~~[6]~~ **7** of this section, if a person dies in one  
83 county and the body is subsequently transferred to another county, for burial or other reasons,  
84 the county coroner or medical examiner where the death occurred shall be responsible for the  
85 certificate of death and for investigating the cause and manner of the death.

86           ~~[9-]~~ **10.** In performing the duties, the coroner or medical examiner shall comply with  
87 sections 58.775 to 58.785 with respect to organ donation.

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