

FIRST REGULAR SESSION

# HOUSE BILL NO. 1245

## 101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SAULS.

2099H.011

DANA RADEMAN MILLER, Chief Clerk

### AN ACT

To repeal sections 58.451, 58.720, and 58.725, RSMo, and to enact in lieu thereof three new sections relating to death investigations.

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

Section A. Sections 58.451, 58.720, and 58.725, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 58.451, 58.720, and 58.725, to read as follows: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. **If the person who died was previously the victim of a sexual assault or domestic violence, as those terms are defined in section 455.010, any law enforcement officer or official providing the notification to the coroner shall include information in the notification about such assault or violence.** Immediately upon receipt of

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.

17 notification, the coroner or deputy coroner shall take charge of the dead body and fully  
18 investigate the essential facts concerning the medical causes of death, including whether by the  
19 act of man, and the manner of death. **An autopsy on the body shall be performed if required**  
20 **under subsection 8 of this section.** The coroner or deputy coroner may take the names and  
21 addresses of witnesses to the death and shall file this information in the coroner's office. The  
22 coroner or deputy coroner shall take possession of all property of value found on the body,  
23 making exact inventory of such property on the report and shall direct the return of such property  
24 to the person entitled to its custody or possession. The coroner or deputy coroner shall take  
25 possession of any object or article which, in the coroner's or the deputy coroner's opinion, may  
26 be useful in establishing the cause of death, and deliver it to the prosecuting attorney of the  
27 county.

28         2. When a death occurs outside a licensed health care facility, the first licensed medical  
29 professional or law enforcement official learning of such death shall immediately contact the  
30 county coroner. **If the person who died was previously the victim of a sexual assault or**  
31 **domestic violence, as those terms are defined in section 455.010, any law enforcement**  
32 **official providing the notification to the county coroner shall include information in the**  
33 **notification about such assault or violence.** Immediately upon receipt of such notification, the  
34 coroner or the coroner's deputy shall make the determination if further investigation is necessary,  
35 based on information provided by the individual contacting the coroner, and immediately advise  
36 such individual of the coroner's intentions. **An autopsy on the body shall be performed if**  
37 **required under subsection 8 of this section.**

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

43         4. Upon taking charge of the dead body and before moving the body the coroner shall  
44 notify the police department of any city in which the dead body is found, or if the dead body is  
45 found in the unincorporated area of a county governed by the provisions of sections 58.451 to  
46 58.457, the coroner shall notify the county sheriff or the highway patrol and cause the body to  
47 remain unmoved until the police department, sheriff or the highway patrol has inspected the body  
48 and the surrounding circumstances and carefully noted the appearance, the condition and position  
49 of the body and recorded every fact and circumstance tending to show the cause and manner of  
50 death, with the names and addresses of all known witnesses, and shall subscribe the same and  
51 make such record a part of the coroner's report.

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

56           6. The coroner may certify the cause of death in any case where death occurred without  
57 medical attendance or where an attending physician refuses to sign a certificate of death or when  
58 a physician is unavailable to sign a certificate of death.

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

61           8. If on view of the dead body and after personal inquiry into the cause and manner of  
62 death, the coroner determines that a further examination is necessary in the public interest, the  
63 coroner on the coroner's own authority may make or cause to be made an autopsy on the body.  
64 **Except in circumstances described in subsection 3 of this section in which no death**  
65 **investigation is required, if the person who died was the victim of a sexual assault or**  
66 **domestic violence, as those terms are defined in section 455.010, within the five years before**  
67 **the date of his or her death, the coroner shall make or cause to be made an autopsy on the**  
68 **body.** The coroner may on the coroner's own authority employ the services of a pathologist,  
69 chemist, or other expert to aid in the examination of the body or of substances supposed to have  
70 caused or contributed to death, and if the pathologist, chemist, or other expert is not already  
71 employed by the city or county for the discharge of such services, the pathologist, chemist, or  
72 other expert shall, upon written authorization of the coroner, be allowed reasonable  
73 compensation, payable by the city or county, in the manner provided in section 58.530. The  
74 coroner shall, at the time of the autopsy, record or cause to be recorded each fact and  
75 circumstance tending to show the condition of the body and the cause and manner of death.

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

82           10. (1) When a person is being transferred from one county to another county for  
83 medical treatment and such person dies while being transferred, or dies while being treated in  
84 the emergency room of the receiving facility the place which the person is determined to be dead  
85 shall be considered the place of death and the county coroner or medical examiner of the county  
86 from which the person was originally being transferred shall be responsible for determining the  
87 cause and manner of death for the Missouri certificate of death.

88           (2) The coroner or medical examiner in the county in which the person is determined to  
89 be dead may with authorization of the coroner or medical examiner from the original transferring  
90 county, investigate and conduct postmortem examinations at the expense of the coroner or  
91 medical examiner from the original transferring county. The coroner or medical examiner from  
92 the original transferring county shall be responsible for investigating the circumstances of such  
93 and completing the Missouri certificate of death. The certificate of death shall be filed in the  
94 county where the deceased was pronounced dead.

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

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

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

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

122           13. In performing the duties, the coroner or medical examiner shall comply with sections  
123 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 **or her** 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. **If the person who died was**  
17 **previously the victim of a sexual assault or domestic violence, as those terms are defined**  
18 **in section 455.010, any law enforcement officer or official providing the notification to the**  
19 **office of the medical examiner shall include information in the notification about such**  
20 **assault or violence.** Immediately upon receipt of notification, the medical examiner or his **or**  
21 **her** designated assistant shall take charge of the dead body and fully investigate the essential  
22 facts concerning the medical causes of death. He **or she** may take the names and addresses of  
23 witnesses to the death and shall file this information in his **or her** office. **An autopsy on the**  
24 **body shall be performed if required under section 58.725.** The medical examiner or his **or**  
25 **her** designated assistant shall take possession of all property of value found on the body, making  
26 exact inventory thereof on his **or her** report and shall direct the return of such property to the  
27 person entitled to its custody or possession. The medical examiner or his **or her** designated  
28 assistant examiner shall take possession of any object or article which, in his **or her** opinion, may  
29 be useful in establishing the cause of death, and deliver it to the prosecuting attorney of the  
30 county.

31 2. When a death occurs outside a licensed health care facility, the first licensed medical  
32 professional or law enforcement official learning of such death shall contact the county medical  
33 examiner. **If the person who died was previously the victim of a sexual assault or domestic**  
34 **violence, as those terms are defined in section 455.010, any law enforcement official**  
35 **providing the notification to the county medical examiner shall include information in the**  
36 **notification about such assault or violence.** Immediately upon receipt of such notification, the

37 medical examiner or the medical examiner's deputy shall make a determination if further  
38 investigation is necessary, based on information provided by the individual contacting the  
39 medical examiner, and immediately advise such individual of the medical examiner's intentions.

40 **An autopsy on the body shall be performed if required under section 58.725.**

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

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

50 5. The medical examiner shall certify the cause of death in any case where death  
51 occurred without medical attendance or where an attending physician refuses to sign a certificate  
52 of death, and may sign a certificate of death in the case of any death.

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

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

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

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

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

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

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

95 10. In performing the duties, the coroner or medical examiner shall comply with sections  
96 58.775 to 58.785 with respect to organ donation.

58.725. 1. In cases in which, in the opinion of the medical examiner **or in accordance**  
2 **with subsection 2 of this section**, an autopsy is necessary, the autopsy shall be performed by the  
3 medical examiner if he **or she** is a pathologist or by such competent pathologist as may be  
4 authorized and employed by the medical examiner.

5 2. **Except in circumstances described in subsection 3 of section 58.720 in which no**  
6 **death investigation is required, if the person who died was the victim of a sexual assault**  
7 **or domestic violence, as those terms are defined in section 455.010, within the five years**  
8 **before the date of his or her death, an autopsy on the body shall be performed.**

9 3. A detailed description of the findings of the autopsy, and the conclusions drawn  
10 therefrom, shall be filed in the office of the medical examiner.

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