

FIRST REGULAR SESSION

# HOUSE BILL NO. 1312

102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SAULS.

2655H.011

DANA RADEMAN MILLER, Chief Clerk

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## 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.

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*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Section A. Sections 58.451, 58.720, and 58.725, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 58.451, 58.720, and 58.725, to read as follows: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;

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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. **If the person who died was previously the  
14 victim of a sexual assault or domestic violence, as those terms are defined in section  
15 455.010, any law enforcement officer or official providing the notification to the coroner  
16 shall include information in the notification about such assault or violence.** Immediately

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

28         2. When a death occurs outside a licensed health care facility, the first licensed  
29 medical professional or law enforcement official learning of such death shall immediately  
30 contact the county coroner. **If the person who died was previously the victim of a sexual**  
31 **assault or domestic violence, as those terms are defined in section 455.010, any law**  
32 **enforcement official providing the notification to the county coroner shall include**  
33 **information in the notification about such assault or violence.** Immediately upon receipt  
34 of such notification, the coroner or the coroner's deputy shall make the determination if  
35 further investigation is necessary, based on information provided by the individual contacting  
36 the coroner, and immediately advise such individual of the coroner's intentions. **An autopsy**  
37 **on the body shall be performed if 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  
42 the 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  
45 is found in the unincorporated area of a county governed by the provisions of sections 58.451  
46 to 58.457, the coroner shall notify the county sheriff or the highway patrol and cause the body  
47 to remain unmoved until the police department, sheriff or the highway patrol has inspected  
48 the body and the surrounding circumstances and carefully noted the appearance, the condition  
49 and position of the body and recorded every fact and circumstance tending to show the cause  
50 and manner of death, with the names and addresses of all known witnesses, and shall  
51 subscribe the same and 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

54 the coroner's own discretion request that the prosecuting attorney apply for a court order  
55 requiring the body to be exhumed.

56 6. The coroner may certify the cause of death in any case where death occurred  
57 without medical attendance or where an attending physician refuses to sign a certificate of  
58 death or when 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  
60 of 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**  
67 **before the date of his or her death, the coroner shall make or cause to be made an**  
68 **autopsy on the body.** The coroner may on the coroner's own authority employ the services  
69 of a pathologist, chemist, or other expert to aid in the examination of the body or of  
70 substances supposed to have caused or contributed to death, and if the pathologist, chemist, or  
71 other expert is not already employed by the city or county for the discharge of such services,  
72 the pathologist, chemist, or other expert shall, upon written authorization of the coroner, be  
73 allowed reasonable compensation, payable by the city or county, in the manner provided in  
74 section 58.530. The coroner shall, at the time of the autopsy, record or cause to be recorded  
75 each fact and circumstance tending to show the condition of the body and the cause and  
76 manner of death.

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

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

89 (2) The coroner or medical examiner in the county in which the person is determined  
90 to be dead may with authorization of the coroner or medical examiner from the original

91 transferring county, investigate and conduct postmortem examinations at the expense of the  
92 coroner or medical examiner from the original transferring county. The coroner or medical  
93 examiner from the original transferring county shall be responsible for investigating the  
94 circumstances of such and completing the Missouri certificate of death. The certificate of  
95 death shall be filed in the county where the deceased was pronounced dead.

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

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

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

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

123 13. In performing the duties, the coroner or medical examiner shall comply with  
124 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 **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;

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

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

40 the medical examiner's intentions. **An autopsy on the body shall be performed if required**  
41 **under section 58.725.**

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

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

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

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

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

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

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

74 (4) If a person does not die while being transferred and is institutionalized as a  
75 regularly admitted patient after such transfer and subsequently dies while in such institution,  
76 the coroner or medical examiner of the county in which the person is determined to be dead

77 shall immediately notify the coroner or medical examiner of the county from which such  
78 person was originally transferred of the death of such person. In such cases, the county in  
79 which the deceased was institutionalized shall be considered the place of death. If the manner  
80 of death is by homicide, suicide, accident, criminal abortion including those that are self-  
81 induced, child fatality, or any unusual or suspicious manner, the investigation of the cause and  
82 manner of death shall revert to the county of origin, and this coroner or medical examiner  
83 shall be responsible for the Missouri certificate of death. The certificate of death shall be  
84 filed in the county where the deceased was pronounced dead.

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

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

97 10. In performing the duties, the coroner or medical examiner shall comply with  
98 sections 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**  
2 **accordance with subsection 2 of this section**, an autopsy is necessary, the autopsy shall be  
3 performed by the medical examiner if he **or she** is a pathologist or by such competent  
4 pathologist as may be authorized and employed by the medical examiner.

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