

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Section A. Sections 58.451, 58.720, and 58.725, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 58.451, 58.720, and 58.725, to read as follows: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

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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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