

1 **State of Arkansas**  
2 **79th General Assembly**  
3 **Regular Session, 1993**  
4 **By: Senator Bell**

# A Bill

**ACT 178 OF 1993**  
**SENATE BILL 255**

## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED 12-12-318 TO  
9 DELETE THE WORD AUTOPSY AND REPLACE IT WITH POSTMORTEM  
10 EXAMINATION(S); AND FOR OTHER PURPOSES."

## Subtitle

13 **"TO DELETE THE WORD AUTOPSY AND REPLACE IT WITH**  
14 **POSTMORTEM EXAMINATION."**

16 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:**

18 **SECTION 1. Arkansas Code Annotated 12-12-318 is amended to read as follows:**

19 **"12-12-318. Examinations, investigations, and post mortem examinations -**  
20 **Authorization and restrictions.**

21 **(a) When death occurs in such a manner or under such circumstances as described in**  
22 **§12-12-315, the State Crime Laboratory shall have the power and authority to perform such**  
23 **functions and duties as may be provided by this subchapter. The State Crime Laboratory shall**  
24 **make such examinations or investigations or perform such post mortem examinations to**  
25 **determine the cause of death as the Executive Director of the State Crime Laboratory or his**  
26 **staff deems necessary or as may be requested by the coroner of the county in which death**  
27 **occurs or is discovered, by the prosecuting attorney of the jurisdiction in which death occurs or**  
28 **is discovered, by the sheriff of the county in which death occurs or is discovered, by the chief of**  
29 **police of the city in which death occurs or is discovered, by the Board of Correction or its**  
30 **designee, or the Director of the Department of Correction or his designee if the person was in**  
31 **the care, custody, or control of the Department of Correction at the time of death. Deputies of**  
32 **elected officers enumerated above shall have no authority to request post mortem examination**  
33 **by the State Crime Laboratory.**

34 **(b)(1) In cases of sudden death in children between the ages of one (1) year and six (6)**  
35 **years with no previous major medical health problems, the State Medical Examiner, on a**  
36 **case-by-case basis, may delegate authority to Arkansas Children's Hospital to perform post**

1 mortem examinations to determine the cause of death.

2           **(2)(A) Should any such post mortem examination determine that death**  
3 **occurred from foul play or criminal act, the Arkansas Children's Hospital will immediately**  
4 **notify the chief law enforcement officer of the jurisdiction in which the death occurred and the**  
5 **State Medical Examiner.**

6           **(B) In addition, the State Medical Examiner will be responsible for developing**  
7 **guidelines to assure that proper evidentiary procedures are followed.**

8           **(3) For purposes of this section, the Arkansas Children's Hospital staff**  
9 **pediatric pathologist, meeting the criteria prescribed in §12-12-307, shall be considered**  
10 **assistant medical examiner, and notwithstanding any other provisions in this section, may**  
11 **perform post mortem examinations as directed by a duly constituted authority.**

12   **(c) Post mortem examinations or investigations authorized in this section may be conducted**  
13 **without consent of any person.**

14   **(d) The Executive Director of the State Crime Laboratory and his staff shall not, as a part of**  
15 **their official duties, perform any post mortem examination at the request of any private citizen**  
16 **or any public official other than those enumerated in this section.**

17   **(e) The provisions of this section shall supersede any and all other laws relating to the power**  
18 **and authority of the Executive Director of the State Crime Laboratory or his staff, including**  
19 **the State Medical Examiner, to conduct examinations, investigations, or post mortem**  
20 **examinations.**

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22           **SECTION 2. All provisions of this act of a general and permanent nature are**  
23 **amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision**  
24 **Commission shall incorporate the same in the Code.**

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26           **SECTION 3. If any provision of this act or the application thereof to any person or**  
27 **circumstance is held invalid, such invalidity shall not affect other provisions or applications of**  
28 **the act which can be given effect without the invalid provision or application, and to this end**  
29 **the provisions of this act are declared to be severable.**

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31           **SECTION 4. All laws and parts of laws in conflict with this act are hereby repealed.**

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33           **SECTION 5. EMERGENCY. It is hereby found and determined by the General**  
34 **Assembly that the State Crime Laboratory is now required to perform autopsies in certain**  
35 **circumstances; that the Crime Laboratory should be required to conduct post mortem**

1 **examinations in lieu of autopsies; that changing the requirements will grant necessary relief to**  
2 **the Crime Laboratory from its overwhelming workload; and that this act should go into effect**  
3 **immediately in order to provide that relief as soon as possible. Therefore, an emergency is**  
4 **hereby declared to exist and this act being necessary for the immediate preservation of the**  
5 **public peace, health and safety shall be in full force and effect from and after its passage and**  
6 **approval.**

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**APPROVED: 2/19/93**