

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 194 of the Regular Session

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: H2/20/07

A Bill

HOUSE BILL 1437

5 By: Representatives Shelby, *Medley, Flowers, Gaskill*
6 By: Senator Salmon
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For An Act To Be Entitled

10 AN ACT TO IMPROVE THE PROCEDURES CONCERNING
11 CORONER'S DEATH INVESTIGATIONS; AND FOR OTHER
12 PURPOSES.
13

Subtitle

14 TO IMPROVE THE PROCEDURES CONCERNING
15 CORONER'S DEATH INVESTIGATIONS.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 12-12-315 is amended to read as follows:
22 12-12-315. Notification of certain deaths.

23 (a)(1) The county coroner and the chief law enforcement official of
24 the county and municipality in which the death of a human being occurs shall
25 be promptly notified by any physician, law enforcement officer, undertaker or
26 embalmer, jailer or correction officer, or coroner, or by any other person
27 present or with knowledge of the death, if:

28 (A) The death appears to be caused by violence or appears
29 to be the result of a homicide or a suicide or to be accidental;

30 (B) The death appears to be the result of the presence of
31 drugs or poisons in the body;

32 (C) The death appears to be a result of a motor vehicle
33 accident, or the body was found in or near a roadway or railroad;

34 (D) The death appears to be a result of a motor vehicle
35 accident and there is no obvious trauma to the body;



1 (E) The death occurs while the person is in a state mental
2 institution or hospital and there is no previous medical history to explain
3 the death, or while the person is in police custody, a jail, or penal
4 institution;

5 (F) The death appears to be the result of a fire or
6 explosion;

7 (G) The death of a minor child appears to indicate child
8 abuse prior to death;

9 (H) Human skeletal remains are recovered or an
10 unidentified deceased person is discovered;

11 (I) Postmortem decomposition exists to the extent that an
12 external examination of the corpse cannot rule out injury, or where the
13 circumstances of death cannot rule out the commission of a crime;

14 (J) The death appears to be the result of drowning;

15 (K) The death is of an infant or minor child ~~in cases in~~
16 ~~which there is no previous medical history to explain the death~~ under
17 eighteen (18) years of age;

18 (L) The manner of death appears to be other than natural;

19 (M) The death is sudden and unexplained;

20 (N) The death occurs at a work site;

21 (O) The death is due to a criminal abortion;

22 (P) The death is of a person where a physician was not in
23 attendance within thirty-six (36) hours preceding death, or, in prediagnosed
24 terminal or bedfast cases, within thirty (30) days;

25 (Q) A person is admitted to a hospital emergency room
26 unconscious and is unresponsive, with cardiopulmonary resuscitative measures
27 being performed, and dies within twenty-four (24) hours of admission without
28 regaining consciousness or responsiveness, unless a physician was in
29 attendance within thirty-six (36) hours preceding presentation to the
30 hospital, or, in cases in which the decedent had a prediagnosed terminal or
31 bedfast condition, unless a physician was in attendance within thirty (30)
32 days preceding presentation to the hospital; or

33 (R) The death occurs in the home.

34 (2) Nothing in this section shall be construed to require an
35 investigation, autopsy, or inquest in any case in which death occurred
36 without medical attendance solely because the deceased was under treatment by

1 prayer or spiritual means in accordance with the tenets and practices of a
2 well-recognized church or religious denomination.

3 (b) A violation of the provisions of this section is a Class A
4 misdemeanor.

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6 SECTION 2. Arkansas Code § 14-15-302 is amended to read as follows:

7 14-15-302. Coroner's investigation.

8 (a) A coroner's investigation does not include criminal investigation
9 responsibilities. However, the coroner shall assist any law enforcement
10 agency or the State Crime Laboratory upon request.

11 (b)(1) Coroners shall be given access to all death scenes in order to
12 perform the duties set forth in this subchapter.

13 (2) A coroner is authorized to issue subpoenas as necessary to
14 secure pertinent medical or other records and testimony relevant to the
15 determination of the cause and manner of death.

16 (c)(1) The coroners and their deputies who have received instruction
17 and have been deemed qualified by the State Crime Laboratory to take and
18 handle toxicological samples from dead human bodies are authorized to do so
19 for the purpose of determining the presence of chemical agents that may have
20 contributed to the cause of death.

21 (2) Toxicological samples may be taken from bodies in those
22 cases where the coroner is required by law to conduct an investigation.

23 (d) No person, institution, or office in this state who shall make
24 available information or material under this section shall be liable for
25 violating any criminal law of this state, nor shall any person, institution,
26 or office be held liable in tort for compliance with this section.

27 (e)(1) A preliminary written report of the coroner's investigation
28 shall be completed within five (5) working days. If indicated, a subsequent
29 report shall be completed.

30 (2) If the death occurred without medical attendance or was the
31 result of a homicide, an accident, or a suicide, then the report shall
32 include without limitation the following information regarding the decedent:

33 (A) Name;

34 (B) Age or approximate age if unknown;

35 (C) Sex;

36 (D) Social security number if available;

- 1 (E) Home address;
- 2 (F) Location where the body was discovered;
- 3 (G) Time of death or approximate time if unknown;
- 4 (H) Condition of the body, including any recent trauma,
- 5 body temperature, and position;
- 6 (I) Any prescribed medications;
- 7 (J) Pertinent medical history;
- 8 (K) Cause and manner of death;
- 9 (L) Photographs or information where photographs may be
- 10 accessed in cases of non-natural deaths and deaths of persons under eighteen
- 11 (18) years of age;
- 12 (M) List of all other governmental entities investigating
- 13 the death; and
- 14 (N) Disposition of the body.

15 (3) Nothing in this section shall limit or otherwise restrict
 16 the exercise of professional judgment or discretion by a coroner or prohibit
 17 access to information or testimony necessary to complete a coroner's
 18 investigation.

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 20 SECTION 3. Arkansas Code Title 14, Chapter 15, Subchapter 3 is amended
 21 to add an additional section to read as follows:

22 14-15-306. Disposition of prescription medication.

23 (a) A coroner may collect and secure any prescription medication of
 24 the decedent to ensure that the medication does not come into the possession
 25 of a person who might use the medication in an illegal or harmful manner.

26 (b) Collected medication shall be disposed of under circuit court
 27 order or shall be forwarded to the Division of Health of the Department of
 28 Health and Human Services within thirty (30) days for proper destruction
 29 under § 20-64-214.

30 (c) This section shall not apply to any prescription medication in the
 31 custody or possession of an institutional health care provider or attending
 32 hospice nurse that is subject to other laws and regulations governing the
 33 destruction or disposition of patient or resident medication.

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/s/ Shelby, et al

APPROVED: 3/5/2007