

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 1286 of the Regular Session

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: H2/27/09 S4/2/09

A Bill

HOUSE BILL 1489

5 By: Representative Carter
6
7

8 **For An Act To Be Entitled**

9 AN ACT REGARDING WHICH OFFICIALS ARE NOTIFIED OF
10 CERTAIN DEATHS; AND FOR OTHER PURPOSES.
11

12 **Subtitle**

13 REGARDING WHICH OFFICIALS ARE NOTIFIED
14 OF CERTAIN DEATHS.
15
16

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 *SECTION 1. Arkansas Code 12-12-315 is amended to read as follows:*
20 *12-12-315. Notification of certain deaths.*

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

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

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

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

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

35 *(E) The death occurs while the person is in a state mental*



1 *institution or hospital and there is no previous medical history to explain*
2 *the death, or while the person is in police custody or, a jail other than a*
3 *jail operated by the Department of Correction, or a penal institution;*

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

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

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

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

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

14 *(K) The death is of an infant or a minor child under*
15 *eighteen (18) years of age;*

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

17 *(M) The death is sudden and unexplained;*

18 *(N) The death occurs at a work site;*

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

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

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

31 *(R) The death occurs in the home; or*

32 *(S)(i) The death poses a potential threat to public health*
33 *or safety.*

34 *(ii) Upon receiving notice of a death that poses a*
35 *potential threat to public health or safety the county coroner shall*
36 *immediately notify the Department of Human Services.*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

(2) Nothing in this section shall be construed to require an investigation, autopsy, or inquest in any case in which death occurred without medical attendance solely because the deceased was under treatment by prayer or spiritual means in accordance with the tenets and practices of a well-recognized church or religious denomination.

(b) With regard to any death in a correctional facility, the county coroner and the State Medical Examiner shall be notified, and when previous medical history does not exist to explain the death, the Department of Arkansas State Police shall be notified.

(c) A violation of the provisions of this section is a Class A misdemeanor.

/s/ Carter

APPROVED: 4/9/2009