

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011

A Bill

HOUSE BILL 2175

4 By: Representative Williams

5
6 Filed with: Interim House Committee on City, County and Local Affairs
7 pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

8 AN ACT TO MODERNIZE THE OFFICE OF CORONER; TO CREATE
9 THE ARKANSAS CORONERS' BOARD; TO ESTABLISH TRAINING
10 PROGRAMS FOR CORONERS; TO PERMIT PROPER CREMATIONS;
11 TO ESTABLISH A MASS FATALITY MUTUAL AID AGREEMENT;
12 AND FOR OTHER PURPOSES.
13
14

Subtitle

15 AN ACT TO MODERNIZE THE OFFICE OF
16 CORONER.
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 14-15-307 is amended to read as follows:

23 14-15-307. ~~Coroner's Advisory Task Force~~ Arkansas Coroners' Board -
24 Creation - Powers and duties.

25 ~~(a)(1) The Coroner's Advisory Task Force is created and shall consist~~
26 ~~of thirteen (13) members.~~

27 ~~(2) The Governor shall appoint to the task force:~~

28 ~~(A)(i) Six (6) members who are current county coroners,~~
29 ~~selected in a manner so that each of the four (4) congressional districts are~~
30 ~~represented by at least one (1) coroner.~~

31 ~~(ii) Of the persons appointed under subdivision~~
32 ~~(a)(2)(A)(i) of this section:~~

33 ~~(a) One (1) member shall be from a Class 1~~
34 ~~county or a Class 2 county as defined by § 14-14-1204(b);~~
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36

1 ~~(b) One (1) member shall be from a Class 3~~
2 ~~county or a Class 4 county as defined by § 14-14-1204(b);~~

3 ~~(c) One (1) member shall be from a Class 5~~
4 ~~county or a Class 6 county as defined by § 14-14-1204(b); and~~

5 ~~(d) One (1) member shall be from a Class 7~~
6 ~~county as defined by § 14-14-1204(b);~~

7 ~~(B) One (1) member who is a representative of the funeral~~
8 ~~home industry;~~

9 ~~(C) One (1) member who is a licensed attorney in Arkansas;~~

10 ~~(D) One (1) member who is a licensed physician in~~
11 ~~Arkansas;~~

12 ~~(E) The State Medical Examiner or his or her designee;~~

13 ~~(F) One (1) member to represent the Arkansas Sheriffs'~~
14 ~~Association;~~

15 ~~(G) The Director of the Department of Health or his or her~~
16 ~~designee; and~~

17 ~~(H) One (1) member who is a consumer representative.~~

18 ~~(3) If a vacancy occurs, the Governor shall appoint a~~
19 ~~replacement who represents the same constituency as the vacating member.~~

20 ~~(4) Members shall elect a chair who shall serve for one (1)~~
21 ~~year.~~

22 ~~(5) A majority of the members being present shall constitute a~~
23 ~~quorum for the transaction of business.~~

24 ~~(6) The task force shall meet as necessary to further the intent~~
25 ~~and purpose of this subchapter.~~

26 ~~(7) The Department of Health shall provide office space and~~
27 ~~staff for the task force if funds are available.~~

28 ~~(8) Members shall serve without pay but may receive expense~~
29 ~~reimbursement under § 25-16-902 if funds are available.~~

30 ~~(b) The task force shall develop standards and policy recommendations~~
31 ~~on certain issues, including without limitation the following:~~

32 ~~(1) Treatment of a body during the course of a death~~
33 ~~investigation;~~

34 ~~(2) The proper manner of choosing who is designated to remove a~~
35 ~~body from a death scene during the course of a death investigation and at the~~
36 ~~conclusion of a death investigation;~~

1 ~~(3) The manner and timeliness of notification of next of kin of~~
2 ~~the deceased;~~

3 ~~(4) Other standards and policy recommendations to ensure that~~
4 ~~all functions of the coroner are performed in a professional and ethical~~
5 ~~manner; and~~

6 ~~(5) Recommendations to the 88th General Assembly for improvement~~
7 ~~of laws regarding the duties of a coroner, including without limitation~~
8 ~~proper levels of compensation for the increasing responsibilities and level~~
9 ~~of training needed to conduct a proper, thorough, and up to date death~~
10 ~~investigation.~~

11 ~~(e) The task force shall be abolished on April 30, 2011.~~

12 (a)(1) The Arkansas Coroners' Board is created and shall consist of
13 nine (9) members.

14 (2) The Governor shall appoint to the board:

15 (A)(i) Six (6) members who are current county coroners,
16 selected in a manner so that each of the four (4) congressional districts are
17 represented by at least one (1) coroner.

18 (ii) Of the persons appointed under subdivision
19 (a)(2)(A)(i) of this section:

20 (a) Three (3) members shall be from a Class 1,
21 2, 3, or 4 county as defined by §14-14-1204(b);

22 (b) Three (3) members shall be from a Class 5,
23 6, or 7 county as defined by §14-14-1204(b);

24 (c) One (1) member shall represent the State
25 Crime Laboratory or the Medical Examiner's Office, or both;

26 (d) One (1) member shall represent law
27 enforcement; and

28 (e) One (1) member shall be a citizen
29 representative.

30 (3) If a vacancy occurs, the Governor shall appoint a
31 replacement who represents the same constituency as the vacating member to
32 serve the remainder of the vacant term.

33 (4) Members shall elect a chair who shall serve for one (1)
34 year.

35 (5) A majority of the members present shall constitute a quorum
36 for the transaction of business.

1 (6) The board shall meet as necessary to further the intent and
2 purpose of this subchapter.

3 (7) The terms of the board shall be staggered so that terms
4 expires at the end of each calendar year as follows:

5 (A) The term of one (1) coroner member from a class 1, 2,
6 3, or 4 county;

7 (B) The term of one (1) coroner member from a class 5, 6
8 or 7 county; and

9 (C) One (1) non-coroner member.

10 (D) Board members shall not serve more than 3 consecutive
11 terms.

12 (8) Members shall serve without pay but may receive expense
13 reimbursement under § 25-16-902 if funds are available.

14 (b) The board shall develop standards and policy recommendations on
15 certain issues, including without limitation the following:

16 (1) Treatment of a body during the course of a death
17 investigation;

18 (2) The proper manner of choosing who is designated to remove a
19 body from a death scene during the course of a death investigation and at the
20 conclusion of a death investigation;

21 (3) The manner and timeliness of notification of next of kin of
22 the deceased;

23 (4) Training standards necessary to conduct a proper, thorough,
24 and up-to-date death investigation;

25 (5) Mass fatality resource inventory and mutual aid agreements;

26 (6) Other standards and policy recommendations to ensure that
27 all functions of the coroner are performed in a professional and ethical
28 manner; and

29 (7) Recommendations to the General Assembly for improvement of
30 laws regarding the duties of a coroner, including without limitation proper
31 levels of compensation for the increasing responsibilities and level of
32 training needed to conduct a proper, thorough, and up-to-date death
33 investigation.

34
35 SECTION 2. Arkansas Code Title 14, Chapter 15, Subchapter 3 is amended
36 to add two (2) additional sections to read as follows:

1 14-15-308. Cremation safeguard procedures – Fee.

2 (a) The body of a deceased person shall not be cremated within forty-
3 eight (48) hours after death unless the person died of a contagious or
4 infectious disease.

5 (b)(1) The body of a deceased person shall not be cremated, used by
6 medical science, or removed from the state until the person, firm, or
7 corporation in charge of the disposition of the body has received an
8 authorization permit from the coroner of the county in which the death
9 occurred.

10 (2) A permit required under subdivision (b)(1) of this section
11 shall be issued after the coroner has made sufficient inquiry into the cause
12 and manner of death to satisfy the coroner that further examination or
13 judicial inquiry concerning the cause and manner of death is not necessary.

14 (c)(1) A coroner may make an exception to the forty-eight (48) hour
15 waiting period under subsection (a) of this section on the basis of religious
16 preferences, advanced decomposition, or other extraordinary circumstances.

17 (2) Notice of an exception under subdivision (c)(1) of this
18 section shall be stated on a permit issued under subdivision (b)(1) of this
19 section.

20 (d)(1) No later than sixty (60) days after the disposition of a body
21 under this section, the person, firm, corporation, or other entity with
22 authority over the disposition of the body shall forward a copy of the permit
23 issued under subdivision (b)(1) of this section to the board.

24 (2)(A) The copy of the permit forwarded to the board under
25 subdivision (d)(1) of this section shall be accompanied by a ten dollar
26 (\$10.00) fee.

27 (B) The board shall deposit the fee delivered under
28 subdivision (2)(A) of this section into the Coroners' Education, Training,
29 and Certification Fund no later than sixty (60) days after the disposition of
30 a body under this section.

31
32 14-15-309. Certification of coroners – Instruction – Continuing
33 education.

34 (a) The Arkansas Coroners' Board shall establish a course curriculum
35 for a certified coroner in Arkansas that shall consist of no less than

1 sixteen (16) hours nor more than forty (40) hours of instruction, including
2 without limitation:

3 (1) Courses on medicolegal death investigation leading to
4 certification as a medicolegal death investigator;

5 (2) Scene investigation;

6 (3) Body recovery;

7 (4) Safety;

8 (5) Statutes and rules;

9 (6) Documentation and reporting; and

10 (7) Communication and interviewing.

11 (b) The board shall:

12 (1) Issue a certificate of satisfactory participation and
13 completion to a coroner, deputy coroner, or medicolegal death investigator
14 who completes the instructional program required under subsection (a) of this
15 section; and

16 (2)(A) Administer the funds for the payment and reimbursement
17 for materials, speakers, millage, lodging, meals, the cost of the
18 certificate, and training equipment which shall be in addition to
19 compensation allowed under §§ 14-14-1203, 14-14-1204, and 14-14-1206.

20 (B) The board may receive funding for coroner training
21 through grants in aid, donations, and the Coroners' Education, Training, and
22 Certification Fund, § 19-6-819.

23 (c)(1) The board shall require no less than eight (8) hours of
24 continuing education each year to maintain certified status.

25 (2) Annual continuing education hours under subsection (b) of
26 this section shall include without limitation instruction concerning:

27 (A) Medicolegal death investigation; and

28 (B) Updates on the other topics or courses required for
29 certification under subsection (a) of this section.

30 (d) The board shall adopt rules to recognize and provide credit for
31 certification for courses and certifications of other states, the United
32 States, or other recognized entities such as the American Board of
33 Medicolegal Death Investigators.

34
35 14-15-310. Mass fatality resource inventory and mutual aid agreement.

36 (a) As used in this section:

1 (1) "Fixed assets" means items that are permanently located but
2 can be made available for use, including without limitation:

- 3 (A) Office space;
- 4 (B) Body refrigeration units;
- 5 (C) Personnel rehabilitation areas;
- 6 (D) Equipment storage facilities;

7 (2) "Mobile assets" means items that can be transported to an
8 affected area, including without limitation:

- 9 (A) Personal protective equipment such as masks, tyvek
10 suits, gloves, boots, environmental protection, and hazards protection;
- 11 (B) Investigative equipment such as cameras, measuring
12 devices, collection bags, and labeling devices;
- 13 (C) Body recovery equipment such as sheets, body bags,
14 ropes, boards, and stretchers;
- 15 (D) Administrative equipment for the purposes of data
16 recording, financial management, and records preservation; and
- 17 (E) Vehicular equipment such as cars, trucks, vans,
18 trailers, and boats; and

19 (3) "Personnel assets" means, without limitation:

- 20 (A) Certified coroners, deputy coroners, and medicolegal
21 death investigators; and
- 22 (B) Other individuals or entities that possess specialized
23 skills necessary for the comprehensive investigation of deaths in a mass
24 fatality incident.

25 (b)(1) The Arkansas Coroners' Board may enter into a mass fatality
26 resource inventory and mutual aid agreement among coroners in this state.

27 (2) A mass fatality resource inventory and mutual aid agreement
28 under this section may provide for the sharing of fixed assets, mobile
29 assets, and personnel assets.

30 (c) The signature of the coroner shall be necessary for a county to
31 pledge its deputies, equipment, and resources to the mass fatality mutual aid
32 agreement.

33 (d) Only a coroner, deputy coroner, or medicolegal death investigator
34 who receives a certification of satisfactory participation and completion and
35 good standing from the Arkansas Coroners' Board under § 14-15-309 may be

1 allocated for use and assignment in the mass fatality resource inventory and
2 mutual aid agreement.

3
4 SECTION 3: Arkansas Code Title 19, Chapter 6, Subchapter 8 is amended
5 to add an additional section to read as follows:

6 19-6-819. Coroners' Education, Training, and Certification Fund.

7 (a) There is created on the books of the Treasurer of State, the
8 Auditor of State, and the Chief Fiscal Officer of the State a special revenue
9 fund to be known as the "Coroners' Education, Training, and Certification
10 Fund".

11 (b) The fund shall consist of moneys derived from fees paid under §
12 14-15-308.

13 (c) The fund shall be used to provide funding for education and
14 training necessary to conduct a proper, thorough, and up-to-date death
15 investigation to ensure that all functions of the coroner are performed in a
16 professional and ethical manner.

17
18 SECTION 4. Arkansas Code § 21-5-701(2), concerning the definition of
19 "covered public employee" for death benefits under the jurisdiction of the
20 Arkansas State Claims Commission, is amended to read as follows:

21 (2) "Covered public employee" means police officer, firefighter,
22 state highway employee, state correction employee, Department of Community
23 Correction employee, qualified emergency services worker, coroner's office
24 employee, wildlife enforcement officer, emergency medical technician, State
25 Forestry Commission employee, commissioned law enforcement personnel, or
26 emergency response personnel of the State Parks Division of the Department of
27 Parks and Tourism;

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29 Referred by the Arkansas House of Representatives

30 Prepared by: MGF/VJF

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