

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

# A Bill

HOUSE BILL 1722

5 By: Representative L. Johnson  
6

## For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING A CORONER'S  
9 INVESTIGATION; AND FOR OTHER PURPOSES.

### Subtitle

10 TO AMEND THE LAW CONCERNING A CORONER'S  
11 INVESTIGATION.  
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13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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15 SECTION 1. Arkansas Code § 14-15-302 is amended to read as follows:  
16 14-15-302. Coroner's investigation.

17 (a) (1) A coroner's investigation does not include criminal  
18 investigation responsibilities. ~~However, the~~

19 (2) ~~The~~ coroner shall assist ~~any~~ a law enforcement agency or the  
20 State Crime Laboratory upon request.

21 (b) (1) A coroner shall be given access to ~~all~~ death scenes in order to  
22 perform the duties set forth in this subchapter.

23 (2) A coroner may issue subpoenas as necessary to secure  
24 ~~pertinent:~~

25 (A) Pertinent medical or other records and testimony  
26 relevant to the determination of the cause and manner of death; and

27 (B) Antemortem blood, urine, or other biological fluids or  
28 toxicological samples relevant to the determination of the cause and manner  
29 of death.

30 (c) (1) A coroner or his or her deputy who has received instruction and  
31 has been deemed qualified by the State Crime Laboratory to take and handle  
32 toxicological samples from dead human bodies may do so for the purpose of  
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1 determining the presence of chemical agents that may have contributed to the  
2 cause of death.

3 (2) Toxicological samples may be taken from dead human bodies in  
4 those cases in which the coroner is required by law to conduct an  
5 investigation.

6 (3)(A) The coroner may obtain antemortem blood, urine, or other  
7 biological fluids or toxicological samples relevant to the determination of  
8 the cause and manner of death in those cases in which the coroner is required  
9 by law to conduct an investigation.

10 (B) A physician, hospital, or other healthcare provider  
11 may make biological fluids or toxicological samples available to the coroner  
12 without an authorization, subpoena, or court order.

13 (4) This section shall not be interpreted to require a  
14 physician, hospital, or other healthcare provider to obtain a toxicological  
15 sample from a dead human body.

16 (d)(1) A person, institution, or office in this state that makes  
17 available information or material under this section is not criminally  
18 liable.

19 (2) A person, institution, or office in this state is not liable  
20 in tort for compliance with this section.

21 (3) A physician, hospital, or other healthcare provider is not  
22 civilly or criminally liable for the release to a coroner under this section  
23 of:

24 (A) The medical records or other medical information  
25 related to a dead human body; or

26 (B) Antemortem blood, urine, or other biological fluids or  
27 toxicological samples.

28 (e)(1)(A) A preliminary written report of the coroner's investigation  
29 shall be completed within five (5) working days and shall include a  
30 pronouncement of death.

31 (B) If indicated, a subsequent report shall be completed.

32 (2) If the death occurred without medical attendance or was the  
33 result of a homicide, an accident, or a suicide, ~~then~~ the preliminary written  
34 report shall include without limitation the following information regarding  
35 the decedent:

36 (A) Name;

- 1 (B) Date of birth or approximate age if unknown;
- 2 (C) Sex;
- 3 (D) Social ~~security~~ Security number if available;
- 4 (E) Home address;
- 5 (F) Location where the body was discovered;
- 6 (G) Time of death or approximate time if unknown;
- 7 (H) Condition of the body, including any recent trauma,
- 8 body temperature, and position;
- 9 (I) Any prescribed medications;
- 10 (J) Pertinent medical history;
- 11 (K) Cause and manner of death;
- 12 (L) Photographs or information where photographs may be
- 13 accessed in cases of non-natural deaths and deaths of persons under eighteen
- 14 (18) years of age;
- 15 (M) List of ~~all~~ other governmental entities investigating
- 16 the death; and
- 17 (N) Disposition of the body.
- 18 (3) ~~Nothing in this~~ This section shall not limit or otherwise
- 19 restrict the exercise of professional judgment or discretion by a coroner or
- 20 prohibit access to information or testimony necessary to complete a coroner's
- 21 investigation.

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24 **APPROVED: 4/14/21**

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