

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.

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

As Engrossed: H1/25/07 H1/29/07

A Bill

HOUSE BILL 1283

5 By: Representative Shelby
6
7

For An Act To Be Entitled

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

Subtitle

14 TO IMPROVE THE PROCEDURES CONCERNING
15 CORONER'S DEATH INVESTIGATIONS.
16
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

20 SECTION 1. Arkansas Code § 12-12-315 is amended to read as follows:
21 12-12-315. Notification of certain deaths.

22 (a)(1) The county coroner and the chief law enforcement official of
23 the county and 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
36 institution or hospital and there is no previous medical history to explain



1 the death, or while the person is in police custody, a jail, or penal
2 institution;

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

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

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

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

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

13 (K) The death is of an infant or minor child ~~in cases in~~
14 ~~which there is no previous medical history to explain the death~~ 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; or

31 (R) The death occurs in the home.

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

1 (b) A violation of the provisions of this section is a Class A
2 misdemeanor.

3
4 SECTION 2. Arkansas Code § 14-15-302 is amended to read as follows:

5 14-15-302. Coroner's investigation.

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

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

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

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

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

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

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

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

31 (A) Name;

32 (B) Age or approximate age if unknown;

33 (C) Sex;

34 (D) Social security number if available;

35 (E) Home address;

36 (F) Location where the body was discovered;

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

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

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18 SECTION 3. Arkansas Code Title 14, Chapter 15, Subchapter 3 is amended
19 to add additional sections to read as follows:

20 14-15-306. Disposition of prescription medication.

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

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

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

32
33 14-15-307. Coroner's Advisory Task Force – Creation.

34 (a) The Coroner's Advisory Task Force is created and shall consist of
35 fourteen (14) members.

36 (b) The Governor shall appoint:

1 (1) One (1) member to represent the Arkansas Coroner's
2 Association;

3 (2) Four (4) members who are current county coroners to
4 represent each of the four (4) congressional districts;

5 (3) One (1) member who is a coroner to represent the funeral
6 home industry;

7 (4) One (1) member who is not a coroner to represent the funeral
8 home industry;

9 (5) One (1) member who is a religious leader of any faith;

10 (6) One (1) member who is a licensed attorney in Arkansas;

11 (7) One (1) member who is a licensed physician in Arkansas;

12 (8) One (1) member to represent the State Medical Examiner;

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

15 (10) The State Health Officer and his or her designee; and

16 (11) A practicing hospice nurse.

17 (c) The term of office for each member shall be three (3) years,
18 except that the initial members shall be assigned terms based on lot so as to
19 stagger the terms of office.

20 (d) If a vacancy occurs, the Governor shall appoint a replacement who
21 represents the same constituency as the vacating member.

22 (e) Members shall elect a chair, who shall serve for one (1) year.

23 (f) A majority of the members present shall constitute a quorum for
24 the transaction of business.

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

27 (h) The Department of Health and Human Services shall provide office
28 space and staff for the task force if funds are available.

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

31
32 14-15-308. Coroner's Advisory Task Force – Powers and duties.

33 The Coroner's Advisory Task Force shall develop standards and policy
34 recommendations, including without limitation the following:

35 (1) Treatment of a body during the course of a death
36 investigation;

