

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.
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Subtitle

11 TO AMEND THE LAW CONCERNING A CORONER'S
12 INVESTIGATION.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 14-15-302 is amended to read as follows:
20 14-15-302. Coroner's investigation.

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

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

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

27 (2) A coroner may issue subpoenas as necessary to secure
28 ~~pertinent:~~

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

31 (B) Antemortem blood, urine, or other biological fluids or
32 toxicological samples relevant to the determination of the cause and manner
33 of death.

34 (c) (1) A coroner or his or her deputy who has received instruction and
35 has been deemed qualified by the State Crime Laboratory to take and handle
36 toxicological samples from dead human bodies may do so for the purpose of



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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