

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

A Bill

HOUSE BILL 2175

5 By: Representative Williams
6

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
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

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);~~

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



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

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

9 ~~(c) The task force shall be abolished on April 30, 2011.~~

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

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

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

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

18 (a) Three (3) members shall be from a Class 1,
 19 2, 3, or 4 county as defined by §14-14-1204(b);

20 (b) Three (3) members shall be from a Class 5,
 21 6, or 7 county as defined by §14-14-1204(b);

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

24 (d) One (1) member shall represent law
 25 enforcement; and

26 (e) One (1) member shall be a citizen
 27 representative.

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

31 (4) Members shall elect a chair who shall serve for one (1)
 32 year.

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

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

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

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

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

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

8 (D) Board members shall not serve more than 3 consecutive
 9 terms.

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

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

14 (1) Treatment of a body during the course of a death
 15 investigation;

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

19 (3) The manner and timeliness of notification of next of kin of
 20 the deceased;

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

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

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

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

32
 33 SECTION 2. Arkansas Code Title 14, Chapter 15, Subchapter 3 is amended
 34 to add two (2) additional sections to read as follows:

35 14-15-308. Cremation safeguard procedures – Fee.

36 (a) The body of a deceased person shall not be cremated within forty-

1 eight (48) hours after death unless the person died of a contagious or
2 infectious disease.

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

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

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

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

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

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

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

29
30 14-15-309. Certification of coroners – Instruction – Continuing
31 education.

32 (a) The Arkansas Coroners' Board shall establish a course curriculum
33 for a certified coroner in Arkansas that shall consist of no less than
34 sixteen (16) hours nor more than forty (40) hours of instruction, including
35 without limitation:

36 (1) Courses on medicolegal death investigation leading to

1 certification as a medicolegal death investigator;

2 (2) Scene investigation;

3 (3) Body recovery;

4 (4) Safety;

5 (5) Statutes and rules;

6 (6) Documentation and reporting; and

7 (7) Communication and interviewing.

8 (b) The board shall:

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

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

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

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

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

24 (A) Medicolegal death investigation; and

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

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

31
 32 14-15-310. Mass fatality resource inventory and mutual aid agreement.

33 (a) As used in this section:

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

36 (A) Office space;

1 (B) Body refrigeration units;

2 (C) Personnel rehabilitation areas;

3 (D) Equipment storage facilities;

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

6 (A) Personal protective equipment such as masks, tyvek
7 suits, gloves, boots, environmental protection, and hazards protection;

8 (B) Investigative equipment such as cameras, measuring
9 devices, collection bags, and labeling devices;

10 (C) Body recovery equipment such as sheets, body bags,
11 ropes, boards, and stretchers;

12 (D) Administrative equipment for the purposes of data
13 recording, financial management, and records preservation; and

14 (E) Vehicular equipment such as cars, trucks, vans,
15 trailers, and boats; and

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

17 (A) Certified coroners, deputy coroners, and medicolegal
18 death investigators; and

19 (B) Other individuals or entities that possess specialized
20 skills necessary for the comprehensive investigation of deaths in a mass
21 fatality incident.

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

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

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

30 (d) Only a coroner, deputy coroner, or medicolegal death investigator
31 who receives a certification of satisfactory participation and completion and
32 good standing from the Arkansas Coroners' Board under § 14-15-309 may be
33 allocated for use and assignment in the mass fatality resource inventory and
34 mutual aid agreement.

35
36 SECTION 3: Arkansas Code Title 19, Chapter 6, Subchapter 8 is amended

1 to add an additional section to read as follows:

2 19-6-819. Coroners' Education, Training, and Certification Fund.

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

7 (b) The fund shall consist of moneys derived from fees paid under §
8 14-15-308.

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

13
14 SECTION 4. Arkansas Code § 21-5-701(2), concerning the definition of
15 "covered public employee" for death benefits under the jurisdiction of the
16 Arkansas State Claims Commission, is amended to read as follows:

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