

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1831

By: Representative Fairchild

For An Act To Be Entitled

"AN ACT TO AMEND VARIOUS SECTIONS OF ARKANSAS CODE OF 1987 ANNOTATED TO EXPAND THE MEMBERSHIP AND AUTHORITY OF THE STATE CRIME LABORATORY BOARD; AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code Annotated §12-12-302(a) is amended to read as follows:

"(a) There is created a State Crime Laboratory Board to be composed of eleven (11) members to be appointed by the Governor and confirmed by the Senate. However, a vacancy may be temporarily filled by the Governor until the Senate shall next meet."

SECTION 2. Arkansas Code Annotated §12-12-302(b) is amended to read as follows:

"(b) The Board shall be composed of:

- (1) The Director of the State Department of Health;
- (2) The Director of the Arkansas State Police;
- (3) An active county coroner;
- (4) An active county sheriff;
- (5) An active chief of police;
- (6) An active prosecuting attorney;
- (7) An active circuit judge;
- (8) A practicing member of the legal profession who specializes in criminal defense;
- (9) A physician in active private practice of medicine;
- (10) A member at large from the state;
- (11) Chairman of the Pathology Department of the University of Arkansas for Medical Sciences."

SECTION 3. Arkansas Code Annotated §12-12-303 is amended by adding two (2) new subsections:

"(d) (1) The board is authorized to review any conclusion as to the manner and cause of death of any person as determined by the state medical examiner or any of the various county coroners if so requested by the prosecuting attorney for the jurisdiction in which the death occurred and agreed to by a majority of the board. The board shall, if necessary, issue a new death certificate indicating the manner and cause of death.

(2) At the conclusion of the review authorized by this subchapter, the board shall make available copies of its decision to the parties at interest.

(e) (1) The board shall appoint and employ a State Medical Examiner.

(2) The board may remove the State Medical Examiner only for cause."

SECTION 4. Arkansas Code Annotated §12-12-305(b) (4) is amended to read as follows:

"(4) Pathology and biology, which shall investigate and make a determination of the cause of death, and establish manner of death in consultation with the Prosecuting Attorney, Chief Law Enforcement Officer, and Coroner in the county or municipality in which a death occurs, which become subject to the jurisdiction of the State Medical Examiner as set out in §12-12-315 and shall include the general application of the medical sciences to assist the criminal justice system in the State of Arkansas."

SECTION 5. Arkansas Code Annotated §12-12-306 is repealed.

SECTION 6. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 7. All laws and parts of laws in conflict with this Act are hereby repealed.