

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1832

By: Representative Fairchild

For An Act To Be Entitled

"AN ACT TO DEFINE THE POWERS AND DUTIES OF CORONERS; AND FOR
OTHER PURPOSES."

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

SECTION 1. Powers and duties of a coroner.

(a) When a death is reported to the coroner, he shall conduct an investigation concerning the circumstances surrounding the death of an individual, gather and review background information, including, but not limited to, medical information and any other information which may be helpful in determining the cause and manner of death.

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

(c) Coroners shall be given access to all death scenes in order to perform the duties set forth in this act.

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

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

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

(f) If, after conducting an investigation, the law enforcement agency and prosecuting attorney of jurisdiction are satisfied that no crime has occurred, a coroner is satisfied that the death is not the result of a crime and the

coroner knows to a reasonable certainty the cause and manner of death, the coroner or his designated deputy shall proceed to execute a death certificate in the form and manner required by law, and release the body for final disposition.

SECTION 2. Confidentiality. Records gathered and created during the course of a coroner's investigation shall be confidential and deemed exempt from the Arkansas Freedom of Information Act, but only until such time that the coroner issues his final report. Confidential medical information gathered during the course of the investigation shall remain exempt from public inspection and copying except as quoted in the coroner's final report.

SECTION 3. A.C.A. §§14-15-301, 14-15-302, 14-15-303, 14-15-304, 16-83-101, 16-83-102, 16-83-103, 16-83-104, 16-83-105, 16-83-106, 16-83-107, 16-83-108, 16-83-109, 16-83-110, 16-83-111, 16-83-112, 16-83-113, and 16-83-114 are hereby specifically repealed.

SECTION 4. 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 5. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 6. Emergency. It is hereby found and determined by the Seventy-Seventh General Assembly that there exists confusion over the powers and duties of the various county coroners; that the confusion is compounded by a series of antiquated laws that bestow responsibilities on a coroner not connected to his duties in modern times. Therefore, an emergency is declared to exist and this act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.