

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative Fairchild**

A Bill

HOUSE BILL

For An Act To Be Entitled

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

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

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13 SECTION 1. Powers and duties of a coroner.

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

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

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

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

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

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

34 (f) If, after conducting an investigation, the law enforcement agency
35 and prosecuting attorney of jurisdiction are satisfied that no crime has

1 occurred, a coroner is satisfied that the death is not the result of a crime
2 and the coroner knows to a reasonable certainty the cause and manner of death,
3 the coroner or his designated deputy shall proceed to execute a death
4 certificate in the form and manner required by law, and release the body for
5 final disposition.

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

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14 SECTION 3. A.C.A. §§14-15-301, 14-15-302, 14-15-303, 14-15-304,
15 16-83-101, 16-83-102, 16-83-103, 16-83-104, 16-83-105, 16-83-106, 16-83-107,
16 16-83-108, 16-83-109, 16-83-110, 16-83-111, 16-83-112, 16-83-113, and
17 16-83-114 are hereby specifically repealed.

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19 SECTION 4. All provisions of this act of a general and permanent nature
20 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
21 Revision Commission shall incorporate the same in the Code.

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23 SECTION 5. If any provision of this act or the application thereof to
24 any person or circumstance is held invalid, such invalidity shall not affect
25 other provisions or applications of the act which can be given effect without
26 the invalid provision or application, and to this end the provisions of this
27 act are declared to be severable.

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29 SECTION 6. All laws and parts of laws in conflict with this act are
30 hereby repealed.

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32 SECTION 7. Emergency. It is hereby found and determined by the
33 Seventy-Eighth General Assembly that there exists confusion over the powers
34 and duties of the various county coroners; that the confusion is compounded by
35 a series of antiquated laws that bestow responsibilities on a coroner not

1 connected to his duties in modern times. Therefore, an emergency is declared
2 to exist and this act being necessary for the immediate preservation of the
3 public peace, health and safety shall be in full force and effect from and
4 after its passage and approval.

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