

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

State of Arkansas

As Engrossed: H2/27/09

87th General Assembly

A Bill

Regular Session, 2009

HOUSE BILL 1489

By: Representative Carter

For An Act To Be Entitled

AN ACT REGARDING WHICH OFFICIALS ARE NOTIFIED OF
CERTAIN DEATHS; AND FOR OTHER PURPOSES.

Subtitle

REGARDING WHICH OFFICIALS ARE NOTIFIED
OF CERTAIN DEATHS.

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

*SECTION 1. Arkansas Code 12-12-315 is amended to read as follows:
12-12-315. Notification of certain deaths.*

*(a)(1) The county coroner, prosecuting attorney, and either the
Department of Arkansas State Police, the chief law enforcement official of
the county sheriff, and or the chief of police of the municipality in which
the death of a human being occurs shall be promptly notified by any
physician, law enforcement officer, undertaker or embalmer, jailer or
correction officer, or coroner, or by any other person present or with
knowledge of the death, if:*

*(A) The death appears to be caused by violence or appears
to be the result of a homicide or a suicide or to be accidental;*

*(B) The death appears to be the result of the presence of
drugs or poisons in the body;*

*(C) The death appears to be a result of a motor vehicle
accident, or the body was found in or near a roadway or railroad;*

*(D) The death appears to be a result of a motor vehicle
accident and there is no obvious trauma to the body;*

(E) The death occurs while the person is in a state mental



1 institution, correctional institution, or hospital and there is no previous
2 medical history to explain the death, or while the person is in police
3 custody or, a jail other than a jail operated by the Department of
4 Correction, or a penal institution;

5 (F) The death appears to be the result of a fire or an
6 explosion;

7 (G) The death of a minor child appears to indicate child
8 abuse prior to death;

9 (H) Human skeletal remains are recovered or an
10 unidentified deceased person is discovered;

11 (I) Postmortem decomposition exists to the extent that an
12 external examination of the corpse cannot rule out injury, or in which the
13 circumstances of death cannot rule out the commission of a crime;

14 (J) The death appears to be the result of drowning;

15 (K) The death is of an infant or a minor child under
16 eighteen (18) years of age;

17 (L) The manner of death appears to be other than natural;

18 (M) The death is sudden and unexplained;

19 (N) The death occurs at a work site;

20 (O) The death is due to a criminal abortion;

21 (P) The death is of a person where a physician was not in
22 attendance within thirty-six (36) hours preceding death, or, in prediagnosed
23 terminal or bedfast cases, within thirty (30) days;

24 (Q) A person is admitted to a hospital emergency room
25 unconscious and is unresponsive, with cardiopulmonary resuscitative measures
26 being performed, and dies within twenty-four (24) hours of admission without
27 regaining consciousness or responsiveness, unless a physician was in
28 attendance within thirty-six (36) hours preceding presentation to the
29 hospital, or, in cases in which the decedent had a prediagnosed terminal or
30 bedfast condition, unless a physician was in attendance within thirty (30)
31 days preceding presentation to the hospital;

32 (R) The death occurs in the home; or

33 (S)(i) The death poses a potential threat to public health
34 or safety.

35 (ii) Upon receiving notice of a death that poses a
36 potential threat to public health or safety the county coroner shall

1 immediately notify the Department of Human Services.

2 (2) Nothing in this section shall be construed to require an
3 investigation, autopsy, or inquest in any case in which death occurred
4 without medical attendance solely because the deceased was under treatment by
5 prayer or spiritual means in accordance with the tenets and practices of a
6 well-recognized church or religious denomination.

7 (b) With regard to any death in a correctional facility, the county
8 coroner and the State Medical Examiner shall be notified.

9 (c) A violation of the provisions of this section is a Class A
10 misdemeanor.

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12 /s/ Carter
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