

HOUSE BILL No. 4663

March 27, 1991. Introduced by Reps. Profit, Bandstra, Perry Bullard and Byrum and referred to the Committee on Public Health.

A bill to amend sections 5 and 7 of Act No. 181 of the Public Acts of 1953, entitled as amended

"An act relative to investigations in certain instances of the causes of death within this state due to violence, negligence or other act or omission of a criminal nature or to protect public health; to provide for the taking of statements from injured persons under certain circumstances; to abolish the office of coroner and to create the office of county medical examiner in certain counties; to prescribe the powers and duties of county medical examiners; to prescribe penalties for violations of the provisions of this act; and to prescribe a referendum thereon,"

section 5 as amended by Act No. 401 of the Public Acts of 1980, being sections 52.205 and 52.207 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 5 and 7 of Act No. 181 of the Public
2 Acts of 1953, section 5 as amended by Act No. 401 of the Public
3 Acts of 1980, being sections 52.205 and 52.207 of the Michigan
4 Compiled Laws, are amended to read as follows:

1 Sec. 5. (1) ~~When~~ EXCEPT AS OTHERWISE PROVIDED IN
2 SUBSECTION (2), WHEN a county medical examiner ~~has~~ RECEIVES
3 notice that there has been found within his or her county or dis-
4 trict the body of a person who is supposed to have come to his or
5 her death in a manner as indicated in section 3, the COUNTY medi-
6 cal examiner shall take charge of the body, and if, on view of
7 the body and personal inquiry into the cause and manner of the
8 death, the COUNTY medical examiner considers a further examina-
9 tion necessary, the county medical examiner or a deputy COUNTY
10 MEDICAL EXAMINER may cause the ~~dead~~ body to be removed to the
11 public morgue. If the investigation is for the reason only that
12 the dead person had no medical attendance during 48 hours before
13 the hour of death, and if the dead person had chosen not to have
14 medical attendance because of his or her bona fide held religious
15 convictions, removal shall not be required unless there is evi-
16 dence of other conditions ~~stipulated~~ SET FORTH in section 3.
17 If there is no public morgue, then the body may be removed to a
18 private morgue ~~as~~ DESIGNATED BY the county medical examiner.
19 ~~has designated.~~

20 (2) IF A COUNTY MEDICAL EXAMINER HAS NOTICE PURSUANT TO SEC-
21 TION 3 THAT THERE HAS BEEN FOUND WITHIN HIS OR HER COUNTY OR DIS-
22 TRICT THE BODY OF A PERSON WHO HAS DIED VIOLENTLY OR AS THE
23 RESULT OF ANY SUSPICIOUS CIRCUMSTANCES, AND IF THE COUNTY MEDICAL
24 EXAMINER HAS NOTICE THAT THE VIOLENCE OR SUSPICIOUS CIRCUMSTANCES
25 THAT RESULTED IN THE DEATH OF THE PERSON OCCURRED IN A COUNTY
26 OTHER THAN THE COUNTY IN WHICH THE BODY WAS FOUND, THE COUNTY
27 MEDICAL EXAMINER SHALL DO ALL OF THE FOLLOWING:

1 (A) TAKE CHARGE OF THE BODY.

2 (B) NOTIFY THE COUNTY MEDICAL EXAMINER FOR THE COUNTY IN
3 WHICH THE VIOLENCE OR SUSPICIOUS CIRCUMSTANCES RESULTING IN THE
4 DEATH OF THE PERSON OCCURRED.

5 (C) MAKE EITHER OF THE FOLLOWING ARRANGEMENTS:

6 (i) TO TRANSPORT THE BODY TO A PUBLIC OR PRIVATE MORGUE IN
7 THE COUNTY IN WHICH THE VIOLENCE OR SUSPICIOUS CIRCUMSTANCES
8 RESULTING IN THE DEATH OF THE PERSON OCCURRED, AS DESIGNATED BY
9 THE COUNTY MEDICAL EXAMINER FOR THAT COUNTY.

10 (ii) TO ENTER INTO AN AGREEMENT WITH THE COUNTY IN WHICH THE
11 VIOLENCE OR SUSPICIOUS CIRCUMSTANCES RESULTING IN THE DEATH OF
12 THE PERSON OCCURRED FOR THE PERFORMANCE OF THE AUTOPSY BY THE
13 COUNTY MEDICAL EXAMINER FOR THE COUNTY IN WHICH THE BODY WAS
14 FOUND. THE AGREEMENT MAY INCLUDE A PROVISION FOR THE PAYMENT OF
15 REASONABLE COSTS ASSOCIATED WITH THE AUTOPSY, INCLUDING THE COSTS
16 OF TESTIMONY OR EVIDENCE REGARDING THE AUTOPSY FOR LITIGATION OR
17 OTHER PURPOSES.

18 (3) IF A BODY IS TRANSPORTED PURSUANT TO SUBSECTION (2), THE
19 COUNTY MEDICAL EXAMINER FOR THE COUNTY TO WHICH THE BODY IS
20 TRANSPORTED SHALL BE RESPONSIBLE FOR THE BODY AS IF THE BODY HAD
21 BEEN FOUND WITHIN HIS OR HER OWN COUNTY. THE COUNTY TO WHICH THE
22 BODY IS TRANSPORTED SHALL BE RESPONSIBLE FOR THE REASONABLE COSTS
23 OF TRANSPORTING THE BODY.

24 (4) ~~-(2)-~~ The COUNTY medical examiner may designate a person
25 appointed pursuant to section 1a(2) to take charge of the body,
26 make pertinent inquiry, note the circumstances surrounding the
27 death, and, if considered necessary, cause the body to be

1 transported to the morgue for examination by the COUNTY medical
2 examiner. The COUNTY medical examiner shall maintain a list of
3 persons appointed pursuant to section 1a(2) and their
4 qualifications. ~~which~~ THE LIST shall be filed with the local
5 law enforcement agencies. ~~The~~ A person appointed pursuant to
6 section 1a(2) shall not be an agent or employee of ~~any~~ A person
7 ~~or funeral establishment~~ licensed TO ENGAGE IN THE PRACTICE OF
8 MORTUARY SCIENCE under ~~Act No. 268 of the Public Acts of 1949,~~
9 ~~as amended, being sections 338.861 to 338.875~~ ARTICLE 18 OF THE
10 OCCUPATIONAL CODE, ACT NO. 299 OF THE PUBLIC ACTS OF 1980, BEING
11 SECTIONS 339.1801 TO 339.1812 of the Michigan Compiled Laws, AND
12 SHALL NOT receive, directly or indirectly, any remuneration in
13 connection with the disposition of the body, or make any funeral
14 or burial arrangements without approval of the next of kin, if
15 they are found, or the person responsible for the funeral
16 expenses.

17 (5) ~~(3)~~ The county medical examiner may perform or direct
18 to be performed an autopsy. ~~and~~ THE COUNTY MEDICAL EXAMINER
19 shall carefully reduce or cause to be reduced to writing every
20 fact and circumstance tending to show the condition of the body
21 and the cause and manner of death, together with the ~~names and~~
22 ~~addresses of any persons~~ NAME AND ADDRESS OF EACH PERSON present
23 at the autopsy, ~~which record he or she~~ AND shall subscribe THIS
24 RECORD.

25 (6) ~~(4)~~ The COUNTY medical examiner shall ascertain the
26 identity of the deceased and notify immediately as
27 compassionately as possible the next of kin of the death and the

1 location of the body except that such notification is not
2 required if a person from the state police or a county ~~sheriff~~
3 SHERIFF'S department or a township police department or a municipi-
4 pal police department states to the COUNTY medical examiner that
5 the notification has already occurred. The county medical
6 examiner may conduct an autopsy if he or she determines that an
7 autopsy reasonably appears to be required pursuant to law. After
8 the county medical examiner; ~~or~~ a deputy MEDICAL EXAMINER; or a
9 person from the state police, ~~or~~ a county ~~sheriff~~ SHERIFF'S
10 department, ~~or~~ a township police department, or a municipal
11 police department has made diligent effort to locate and notify
12 the next of kin, ~~he or she~~ THE COUNTY MEDICAL EXAMINER may
13 order and conduct the autopsy with or without the consent of the
14 next of kin of the deceased.

15 (7) ~~(5)~~ The county medical examiner or a deputy COUNTY
16 MEDICAL EXAMINER shall keep FOR A PERIOD OF 1 YEAR FROM THE DATE
17 OF THE AUTOPSY a written record of the efforts to locate and
18 notify the next of kin. ~~for a period of 1 year from the date of~~
19 ~~the autopsy.~~ The county medical examiner shall, after any
20 required examination or autopsy, promptly deliver or return the
21 body to relatives or representatives of the deceased or, if there
22 are no relatives or representatives known to the examiner, he or
23 she may cause the body to be decently buried, except that the
24 COUNTY medical examiner may retain, as long as may be necessary,
25 ~~any~~ A portion of the body believed by the COUNTY medical
26 examiner to be necessary for the detection of ~~any~~ A crime.

1 Sec. 7. Upon the written order of the prosecuting attorney
2 or the attorney general or upon the filing of a petition signed
3 by 6 electors of a county, the county medical examiner or deputy
4 COUNTY MEDICAL EXAMINER shall conduct an investigation, as pro-
5 vided in section 5, of the circumstances surrounding any death
6 believed to have occurred in the county. IF REQUESTED BY THE
7 PROSECUTING ATTORNEY OR ATTORNEY GENERAL, THE INVESTIGATION SHALL
8 INCLUDE AN AUTOPSY OR SPECIFIC MEDICAL TESTS, OR BOTH. Upon THE
9 determination of the prosecuting attorney or ~~upon the determina-~~
10 ~~tion of~~ the COUNTY MEDICAL examiner, an inquest shall be held by
11 a district court judge or a municipal court judge.