



# HOUSE BILL No. 4799

May 18, 1993, Introduced by Reps. Brackenridge, Joe Young, Jr., Baade, McNutt, Oxender, Pitoniak, Dalman, Hill and Middleton and referred to the Committee on Public Health.

A bill to amend sections 2, 3, and 5 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 52.202, 52.203, and 52.205 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 2, 3, and 5 of Act No. 181 of the  
2 Public Acts of 1953, section 5 as amended by Act No. 401 of the  
3 Public Acts of 1980, being sections 52.202, 52.203, and 52.205 of  
4 the Michigan Compiled Laws, are amended to read as follows:

1       Sec. 2. (1) ~~County~~ A COUNTY medical ~~examiners~~ EXAMINER  
2 or deputy county medical ~~examiners~~ EXAMINER shall ~~make inves-~~  
3 ~~tigations as to~~ INVESTIGATE the cause and manner of death in  
4 ~~all~~ EACH OF THE FOLLOWING cases: ~~of persons who have come to~~  
5 ~~their death~~

6       (A) THE CASE OF A PERSON WHO HAS DIED by violence. ~~, or~~

7       (B) THE CASE OF A PERSON whose death was unexpected. ~~, or~~

8       (C) THE CASE OF A PERSON WHO HAS DIED without medical  
9 attendance during the 48 hours ~~prior to~~ IMMEDIATELY PRECEDING  
10 the hour of death, unless the attending physician, if any, is  
11 able to determine accurately the cause of death. ~~, or~~

12       (D) THE CASE OF A PERSON WHO HAS DIED as the result of an  
13 abortion, whether self-induced or otherwise.

14       (E) THE CASE OF A PERSON WHO HAS DIED AT THE SCENE OF A  
15 FIRE.

16       (2) If ~~any~~ A prisoner in ~~any~~ A county or city jail dies  
17 while ~~so~~ imprisoned, the county medical examiner, upon being  
18 notified of the death of the prisoner, shall ~~make an examination~~  
19 ~~upon~~ EXAMINE the body of the deceased prisoner.

20       Sec. 3. (1) ~~Any physician and any~~ EXCEPT AS PROVIDED IN  
21 SUBSECTION (2), A PHYSICIAN, A person in charge of ~~any~~ A hospi-  
22 tal or institution, or ~~any~~ A person who ~~shall have~~ HAS first  
23 knowledge of the death of ~~any~~ A person who ~~shall have~~ died  
24 suddenly, unexpectedly, accidentally, violently, ~~or~~ as the  
25 result of ~~any~~ suspicious circumstances, AT THE SCENE OF A FIRE,  
26 AS THE RESULT OF A SELF-INDUCED OR ASSISTED ABORTION, or without  
27 medical attendance during the 48 hours ~~prior to~~ BEFORE the hour

1 of death, ~~unless the attending physician, if any, is able to~~  
2 ~~determine accurately the cause of death, or in any case of death~~  
3 ~~due to what is commonly known as an abortion, whether~~  
4 ~~self-induced or otherwise,~~ shall notify the county medical  
5 examiner or his OR HER deputy immediately of the death.

6 (2) SUBSECTION (1) DOES NOT APPLY TO A DEATH OF A PERSON WHO  
7 DIED WITHOUT MEDICAL ATTENDANCE DURING THE 48 HOURS BEFORE THE  
8 DEATH IF THE ATTENDING PHYSICIAN, IF ANY, IS ABLE TO DETERMINE  
9 ACCURATELY THE CAUSE OF DEATH.

10 Sec. 5. (1) ~~When~~ IF a county medical examiner has notice  
11 that ~~there has been found within his or her county or district~~  
12 the body of a person who ~~is supposed to have come to his or her~~  
13 ~~death~~ MAY HAVE DIED in a manner ~~as indicated~~ DESCRIBED in sec-  
14 tion 3 HAS BEEN FOUND WITHIN THE MEDICAL EXAMINER'S GEOGRAPHICAL  
15 JURISDICTION, the COUNTY medical examiner shall take charge of  
16 the body. ~~, and if, on view of~~ SUBJECT TO SUBSECTION (3), IF  
17 AFTER EXAMINING the body and ~~personal inquiry into~~  
18 INVESTIGATING the cause and manner of the death ~~—~~ the COUNTY  
19 medical examiner considers a further examination necessary, ~~the~~  
20 ~~county medical examiner or a~~ HE OR SHE OR HIS OR HER deputy may  
21 cause the dead body to be removed to the public morgue. If the  
22 investigation is SOLELY for the reason ~~only~~ that the dead  
23 person had no medical attendance during 48 hours before the hour  
24 of death, and if the dead person had chosen not to have medical  
25 attendance because of his or her bona fide held religious convic-  
26 tions, removal ~~shall not be required unless there is~~ OF THE  
27 BODY IS NOT REQUIRED ABSENT evidence of other conditions

1 ~~stipulated~~ DESCRIBED in section 3. If there is no public  
2 morgue, ~~then~~ the body may be removed to a private morgue ~~as~~  
3 DESIGNATED BY the county medical examiner. ~~has designated.~~

4 (2) The COUNTY medical examiner may designate a person  
5 appointed pursuant to section 1a(2) to take charge of the body,  
6 make pertinent inquiry, note the circumstances surrounding the  
7 death, and, if considered necessary, cause the body to be trans-  
8 ported to the morgue for examination by the COUNTY medical  
9 examiner. The COUNTY medical examiner shall maintain a list of  
10 persons appointed pursuant to section 1a(2) and their qualifica-  
11 tions which shall be filed with the local law enforcement  
12 agencies. The person appointed pursuant to section 1a(2) shall  
13 not be an agent or employee of ~~any~~ A person or funeral estab-  
14 lishment licensed under ~~Act No. 268 of the Public Acts of 1949,~~  
15 ~~as amended, being sections 338.861 to 338.875~~ THE OCCUPATIONAL  
16 CODE, ACT NO. 299 OF THE PUBLIC ACTS OF 1980, BEING  
17 SECTIONS 339.101 TO 339.2721 of the Michigan Compiled Laws,  
18 receive, directly or indirectly, ~~any~~ remuneration in connection  
19 with the disposition of the body or make any funeral or burial  
20 arrangements without approval of the next of kin, if ~~they are~~  
21 ~~found~~ KNOWN, or the person responsible for the funeral  
22 expenses.

23 (3) The county medical examiner OR HIS OR HER DESIGNEE SHALL  
24 PERFORM AN AUTOPSY UPON THE BODY OF A PERSON WHO DIED AT THE  
25 SCENE OF A FIRE. THE COUNTY MEDICAL EXAMINER may perform or  
26 direct to be performed ~~an autopsy and~~ ANY OTHER AUTOPSY. A  
27 PERSON PERFORMING AN AUTOPSY UNDER THIS ACT shall carefully

1 reduce or cause to be reduced to writing every fact and  
2 circumstance tending to show the condition of the body and the  
3 cause and manner of death, ~~together with~~ AND INCLUDE IN THAT  
4 WRITING the names and addresses of ~~any~~ ALL persons present at  
5 the autopsy. ~~, which record he or she shall subscribe.~~ THE  
6 PERSON PERFORMING THE AUTOPSY SHALL SUBSCRIBE THE WRITING  
7 DESCRIBED IN THIS SUBSECTION.

8 (4) ~~The~~ EXCEPT AS PROVIDED IN SUBSECTION (5), THE COUNTY  
9 medical examiner shall ascertain the identity of the deceased and  
10 ~~notify~~ immediately AND as compassionately as possible NOTIFY  
11 the next of kin of the DECEDENT'S death and the location of the  
12 body. ~~except that such~~

13 (5) THE notification DESCRIBED IN SUBSECTION (4) is not  
14 required if a person from the state police or a county sheriff  
15 department or a township police department or a municipal police  
16 department states to the COUNTY medical examiner that the notifi-  
17 cation has already occurred. The county medical examiner may  
18 conduct an autopsy if he or she determines that an autopsy rea-  
19 sonably appears to be required pursuant to law. After the county  
20 medical examiner or a deputy or a person from the state police or  
21 a county sheriff department or a township police department or a  
22 municipal police department has made diligent effort to locate  
23 and notify the next of kin, ~~he or she~~ THE COUNTY MEDICAL  
24 EXAMINER may order and conduct the autopsy with or without the  
25 consent of the next of kin of the deceased.

26 (6) ~~(5)~~ The county medical examiner or ~~a~~ HIS OR HER  
27 deputy shall keep a written record of the efforts to locate and

1 notify the next of kin for a period of 1 year from the date of  
2 the autopsy. ~~The county medical examiner shall, after any~~  
3 AFTER A required examination or autopsy, THE COUNTY MEDICAL  
4 EXAMINER SHALL promptly deliver or return the body to relatives  
5 or representatives of the deceased. ~~or, if~~ IF there are no  
6 relatives or representatives OF THE DECEASED known to the COUNTY  
7 MEDICAL examiner, he or she may cause the body to be ~~decently~~  
8 buried ~~, except that the medical examiner~~ PURSUANT TO LAW, BUT  
9 may retain, as long as ~~may be~~ HE OR SHE DETERMINES necessary,  
10 ~~any~~ A portion of the body believed by the COUNTY medical  
11 examiner to be necessary for the detection of ~~any~~ A crime.