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House Bill 6308 (Substitute H-1 as reported without amendment)
House Bill 6309 (as reported without amendment)
Sponsor: Representative Michael Sak
House Committee: Health Policy
Senate Committee: Health Policy

CONTENT

House Bill 6308 (H-1) would amend Public Act 181 of 1953 (which governs county medical examiners) to require a county medical examiner to be notified by a physician, person in charge of a hospital or other institution, or other person who had first knowledge of the death, if an accident resulting in death involved two or more individuals who were approximately the same age, sex, height, weight, and race. The hospital or institution to which any surviving individuals were taken also would have to be informed that the accident involved individuals with similar attributes.

Under the Act, a funeral director or embalmer must first obtain the county medical examiner's permission to remove the body from the location of death or prepare the body for burial or shipment, if the funeral director or embalmer knows or should know that the death is sudden, accidental, violent, or suspicious. A violation of this requirement is a misdemeanor punishable by up to one year's imprisonment and/or a maximum fine. Under the bill, the requirement and penalty also would apply if an accident resulting in death involved two or more individuals with similar attributes.

The bill would require a county medical examiner to verify a deceased person's identity through definitive identification procedures if visual identification were not possible as a result of burns, decomposition, or other disfiguring injuries, or if the medical examiner were aware that the death was the result of an accident involving two or more individuals with similar attributes. Upon verifying the person's identity, the medical examiner would have to inform the hospital or institution to which a survivor with the same attributes was taken.

House Bill 6309 would amend the Public Health Code to include deaths described in House Bill 6308 (H-1), in a provision authorizing a county medical examiner to have a dentist perform a dental examination of a body, if the body's identity cannot be established.

The bills are tie-barred to each other.

MCL 52.203-54.205 (H.B. 6308)
333.2844a (H.B. 6309)

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bills likely would lead to greater reliance upon identification procedures by county medical examiners to confirm the identity of persons killed in accidents. Greater use of these procedures would create a minor, indeterminate increase in cost to local governments.

The criminal penalties under House Bill 6308 (H-1) would have an indeterminate fiscal impact on local government. There are no data to indicate how many offenders would be convicted of removing or preparing the body under the proposed circumstances. Local governments would incur the costs of misdemeanor probation and incarceration in local facilities, which vary by county. Additional penal fine revenue would benefit public libraries.

Date Completed: 12-7-06

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.