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House Bill 6308 (Substitute H-1 as passed by the House)
House Bill 6309 (as passed by the House)
Sponsor: Representative Michael Sak
House Committee: Health Policy
Senate Committee: Health Policy

Date Completed: 12-6-06

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 if an accident resulting in death involved two or more individuals with similar physical characteristics; and require a county medical examiner to verify a deceased person's identity through definitive identification procedures if visual identification were not possible.

House Bill 6309 would amend the Public Health Code to include deaths described in House Bill 6308 (H-1), in a provision authorizing the 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. They are described below in further detail.

House Bill 6308 (H-1)

Under the Act, any physician and any person in charge of a hospital or institution, or any person who has first knowledge of the death of someone who died suddenly, unexpectedly, accidentally, violently, or as the result of suspicious circumstances, or without medical attendance during the preceding 48 hours, must notify the county medical examiner or his or her deputy immediately of the death, subject to certain exceptions.

Under the bill, if the physician, person in charge of a hospital or institution, or other person knew that there were two or more individuals involved in the same accident who were approximately the same age, sex, height, weight, and race, he or she would have to inform the county medical examiner of that fact and whether any of those individuals survived the accident, when notifying the medical examiner as required. If any of the individuals survived, the medical examiner or his or her deputy also would have to be informed which hospital or institution the individuals were taken to, and the hospital or institution also would have to be informed that the accident involved two or more individuals with similar attributes.

The Act provides that it is unlawful for a funeral director, embalmer, or other person to remove a body from the place where death occurred, or to prepare the body for burial or shipment, when the person knows or upon reasonable investigation should know that the death may have occurred in a manner described in the Act (suddenly, unexpectedly, etc.), without first notifying the county medical examiner or his or her deputy and receiving permission to remove, prepare for burial, or ship the body. A person who violates this

provision is guilty of a misdemeanor punishable by imprisonment for up to one year and/or a maximum fine of \$500. Under the bill, the prohibition and penalty also would apply if the person knew or should have known that an accident resulting in a death involved two or more individuals who were approximately the same age, sex, height, weight, and race.

The Act requires the medical examiner to ascertain the identity of the deceased and notify the next of kin immediately as compassionately as possible, if no law enforcement officer has notified the next of kin. Under the bill, if visual identification of an individual were impossible 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 who were approximately the same age, sex, height, weight, and race, the medical examiner would have to verify the person's identity through fingerprints, dental records, DNA, or other definitive identification procedures and, if the accident resulted in the survival of any individuals with the same attributes, notify the respective hospital or institution of his or her findings.

House Bill 6309

Under the Code, in deaths investigated by the county medical examiner or deputy county medical examiner where he or she is not able to establish the identity of a body by visual means, fingerprints, or other identifying data, the medical examiner or deputy may have a qualified dentist carry out a dental examination of the body. If the medical examiner or deputy, with the aid of the dental examination and other identifying findings, is still not able to establish an identity, he or she must forward the dental examination records to the appropriate law enforcement agency. The law enforcement agency must enter that information into the National Crime Information Center.

Under the bill, these provisions also would apply to deaths in which the medical examiner was not able to establish and verify, as required under House Bill 6308 (H-1), the identity of the body. The bill also would refer to "definitive identification procedures", rather than "identifying data", and include DNA among the definitive identification procedures.

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.

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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.