

SUBSTITUTE FOR
HOUSE BILL NO. 6308

A bill to amend 1953 PA 181, entitled

"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,"

by amending sections 3, 4, and 5 (MCL 52.203, 52.204, and 52.205),
section 5 as amended by 1980 PA 401.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) Any physician and any person in charge of any
2 hospital or institution, or any person who shall have first
3 knowledge of the death of any person who shall have died suddenly,
4 unexpectedly, accidentally, violently, or as the result of any

1 suspicious circumstances, or without medical attendance during the
2 48 hours prior to the hour of death unless the attending physician,
3 if any, is able to determine accurately the cause of death, or in
4 any case of death due to what is commonly known as an abortion,
5 whether self-induced or otherwise, shall notify the county medical
6 examiner or his OR HER deputy immediately of the death.

7 (2) IF THE PHYSICIAN, PERSON IN CHARGE OF ANY HOSPITAL OR
8 INSTITUTION, OR OTHER PERSON WHO HAS FIRST KNOWLEDGE OF THE DEATH
9 OF A PERSON AS DESCRIBED UNDER SUBSECTION (1) HAS KNOWLEDGE THAT
10 THERE WERE 2 OR MORE INDIVIDUALS INVOLVED IN THE SAME ACCIDENT WHO
11 WERE APPROXIMATELY THE SAME AGE, SEX, HEIGHT, WEIGHT, AND RACE,
12 THEN HE OR SHE SHALL MAKE THE COUNTY MEDICAL EXAMINER OR HIS OR HER
13 DEPUTY AWARE OF THAT FACT AND WHETHER OR NOT ANY OF THOSE
14 INDIVIDUALS SURVIVED THAT ACCIDENT WHEN NOTIFYING THE EXAMINER OR
15 DEPUTY OF THE DEATH AS REQUIRED UNDER SUBSECTION (1). IF ANY OF
16 THOSE INDIVIDUALS SURVIVED, THE COUNTY MEDICAL EXAMINER OR HIS OR
17 HER DEPUTY SHALL ALSO BE INFORMED WHICH HOSPITAL OR INSTITUTION
18 THOSE INDIVIDUALS WERE TAKEN TO AND THE HOSPITAL OR INSTITUTION
19 SHALL ALSO BE MADE AWARE THAT THE ACCIDENT INVOLVED 2 OR MORE
20 INDIVIDUALS WITH SIMILAR ATTRIBUTES.

21 Sec. 4. It shall be unlawful for any funeral director,
22 embalmer, or other person to remove the body from the place where
23 death occurred, or to prepare the body for burial or shipment, when
24 such funeral director, embalmer, or other person knows or upon
25 reasonable investigation should know that death may have occurred
26 in a manner as indicated in section 3 OR THAT THE ACCIDENT WHICH
27 RESULTED IN THE DEATH INVOLVED 2 OR MORE INDIVIDUALS WHO WERE

1 **APPROXIMATELY THE SAME AGE, SEX, HEIGHT, WEIGHT, AND RACE**, without
2 first notifying the county medical examiner or his **OR HER** deputy
3 and receiving permission to remove, prepare for burial, or ship
4 such body. Any person who violates the provisions of this section
5 is guilty of a misdemeanor and may be imprisoned not exceeding 1
6 year ~~—~~ or fined not exceeding \$500.00, or both.

7 Sec. 5. (1) When a county medical examiner has notice that
8 there has been found within his or her county or district the body
9 of a person who is supposed to have come to his or her death in a
10 manner as indicated in section 3, the medical examiner shall take
11 charge of the body, and if, on view of the body and personal
12 inquiry into the cause and manner of the death, the medical
13 examiner considers a further examination necessary, the county
14 medical examiner or a deputy may cause the dead body to be removed
15 to the public morgue. If the investigation is for the reason only
16 that the dead person had no medical attendance during 48 hours
17 before the hour of death, and if the dead person had chosen not to
18 have medical attendance because of his or her bona fide held
19 religious convictions, removal shall not be required unless there
20 is evidence of other conditions stipulated in section 3. If there
21 is no public morgue, then the body may be removed to a private
22 morgue as the county medical examiner has designated.

23 (2) The medical examiner may designate a person appointed
24 pursuant to section 1a(2) to take charge of the body, make
25 pertinent inquiry, note the circumstances surrounding the death,
26 and, if considered necessary, cause the body to be transported to
27 the morgue for examination by the medical examiner. The medical

1 examiner shall maintain a list of persons appointed pursuant to
2 section 1a(2) and their qualifications which shall be filed with
3 the local law enforcement agencies. The person appointed pursuant
4 to section 1a(2) shall not be an agent or employee of any person or
5 funeral establishment licensed under ~~Act No. 268 of the Public~~
6 ~~Acts of 1949, as amended, being sections 338.861 to 338.875 of the~~
7 ~~Michigan Compiled Laws~~ **ARTICLE 18 OF THE OCCUPATIONAL CODE, 1980**
8 **PA 299, MCL 339.1801 TO 339.1812**, receive, directly or indirectly,
9 any remuneration in connection with the disposition of the body or
10 make any funeral or burial arrangements without approval of the
11 next of kin, if they are found, or the person responsible for the
12 funeral expenses.

13 (3) The county medical examiner may perform or direct to be
14 performed an autopsy and shall carefully reduce or cause to be
15 reduced to writing every fact and circumstance tending to show the
16 condition of the body and the cause and manner of death, together
17 with the names and addresses of any persons present at the autopsy,
18 which record he or she shall subscribe.

19 (4) The medical examiner shall ascertain the identity of the
20 deceased and notify immediately as compassionately as possible the
21 next of kin of the death and the location of the body except that
22 such notification is not required if a person from the state
23 police, ~~or~~ a county sheriff department, ~~or~~ a township police
24 department, or a municipal police department states to the medical
25 examiner that the notification has already occurred. **IF VISUAL**
26 **IDENTIFICATION OF AN INDIVIDUAL IS IMPOSSIBLE AS A RESULT OF BURNS,**
27 **DECOMPOSITION, OR OTHER DISFIGURING INJURIES OR IF THE COUNTY**

1 MEDICAL EXAMINER IS AWARE THAT THE DEATH IS THE RESULT OF AN
2 ACCIDENT THAT INVOLVED 2 OR MORE INDIVIDUALS WHO WERE APPROXIMATELY
3 THE SAME AGE, SEX, HEIGHT, WEIGHT, AND RACE, THEN THE COUNTY
4 MEDICAL EXAMINER SHALL VERIFY THE IDENTITY OF THE DECEASED THROUGH
5 FINGERPRINTS, DENTAL RECORDS, DNA, OR OTHER DEFINITIVE
6 IDENTIFICATION PROCEDURES AND, IF THE ACCIDENT RESULTED IN THE
7 SURVIVAL OF ANY INDIVIDUALS WITH THE SAME ATTRIBUTES, SHALL NOTIFY
8 THE RESPECTIVE HOSPITAL OR INSTITUTION OF HIS OR HER FINDINGS. The
9 county medical examiner may conduct an autopsy if he or she
10 determines that an autopsy reasonably appears to be required
11 pursuant to law. After the county medical examiner, ~~or~~ a deputy,
12 ~~or~~ a person from the state police, ~~or~~ a county sheriff
13 department, ~~or~~ a township police department, or a municipal
14 police department has made diligent effort to locate and notify the
15 next of kin, he or she may order and conduct the autopsy with or
16 without the consent of the next of kin of the deceased.

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

27 Enacting section 1. This amendatory act does not take effect

1 unless House Bill No. 6309 of the 93rd Legislature is enacted into
2 law.