

Act No. 569  
Public Acts of 2006  
Approved by the Governor  
December 30, 2006  
Filed with the Secretary of State  
January 3, 2007  
EFFECTIVE DATE: January 3, 2007

**STATE OF MICHIGAN  
93RD LEGISLATURE  
REGULAR SESSION OF 2006**

**Introduced by Reps. Sak, Plakas, Gaffney, Adamini, Brown, Green, Alma Smith, Leland, Espinoza, Kooiman, Bennett, Farrah, Gonzales, Steil, Gleason, Byrum, Hansen, Vander Veen, Wojno, Angerer, Nofs, Vagnozzi, McDowell, Farhat and Clack**

# **ENROLLED HOUSE BILL No. 6308**

AN ACT 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 and 5 (MCL 52.203 and 52.205), section 5 as amended by 1980 PA 401.

*The People of the State of Michigan enact:*

Sec. 3. (1) Any physician and any person in charge of any hospital or institution, or any person who shall have first knowledge of the death of any person who shall have died suddenly, unexpectedly, accidentally, violently, or as the result of any suspicious circumstances, or without medical attendance during the 48 hours prior to the hour of death unless the attending physician, if any, is able to determine accurately the cause of death, or in any case of death due to what is commonly known as an abortion, whether self-induced or otherwise, shall notify the county medical examiner or his or her deputy immediately of the death.

(2) If the physician, person in charge of any hospital or institution, or other person who has first knowledge of the death of a person as described under subsection (1) has knowledge that there were 2 or more individuals involved in the same accident who were approximately the same age, sex, height, weight, hair color, eye color, and race, then he or she shall make the county medical examiner or his or her deputy aware of that fact and whether or not any of those individuals survived that accident when notifying the examiner or deputy of the death as required under subsection (1). If any of those individuals survived, the county medical examiner or his or her deputy shall also be informed which hospital or institution those individuals were taken to and the hospital or institution shall also be made aware that the accident involved 2 or more individuals with similar attributes.

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

(2) The medical examiner may designate a person appointed pursuant to section 1a(2) to take charge of the body, make pertinent inquiry, note the circumstances surrounding the death, and, if considered necessary, cause the body to be transported to the morgue for examination by the medical examiner. The medical examiner shall maintain a list of persons appointed pursuant to section 1a(2) and their qualifications which shall be filed with the local law enforcement agencies. The person appointed pursuant to section 1a(2) shall not be an agent or employee of any person or funeral establishment licensed under article 18 of the occupational code, 1980 PA 299, MCL 339.1801 to 339.1812, receive, directly or indirectly, any remuneration in connection with the disposition of the body or make any funeral or burial arrangements without approval of the next of kin, if they are found, or the person responsible for the funeral expenses.

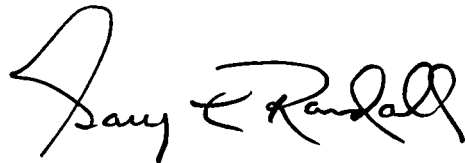
(3) The county medical examiner may perform or direct to be performed an autopsy and shall carefully reduce or cause to be reduced to writing every fact and circumstance tending to show the condition of the body and the cause and manner of death, together with the names and addresses of any persons present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

(4) The medical examiner shall ascertain the identity of the deceased and notify immediately as compassionately as possible the next of kin of the death and the location of the body except that such notification is not required if a person from the state police, a county sheriff department, a township police department, or a municipal police department states to the medical examiner that the notification has already occurred. If visual identification of an individual is impossible as a result of burns, decomposition, or other disfiguring injuries or if the county medical examiner is aware that the death is the result of an accident that involved 2 or more individuals who were approximately the same age, sex, height, weight, hair color, eye color, and race, then the county medical examiner shall verify the identity of the deceased 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, shall notify the respective hospital or institution of his or her findings. The county medical examiner may conduct an autopsy if he or she determines that an autopsy reasonably appears to be required pursuant to law. After the county medical examiner, a deputy, a person from the state police, a county sheriff department, a township police department, or a municipal police department has made diligent effort to locate and notify the next of kin, he or she may order and conduct the autopsy with or without the consent of the next of kin of the deceased.

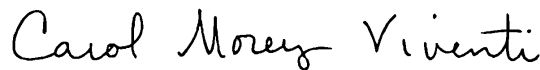
(5) The county medical examiner or a deputy shall keep a written record of the efforts to locate and notify the next of kin for a period of 1 year from the date of the autopsy. The county medical examiner shall, after any required examination or autopsy, promptly deliver or return the body to relatives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

Enacting section 1. This amendatory act does not take effect unless House Bill No. 6309 of the 93rd Legislature is enacted into law.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved .....

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Governor