

HOUSE BILL No. 4162

February 14, 1989, Introduced by Reps. Berman, Gubow, Leland, Miller, Honigman and DeMars and referred to the Committee on Public Health.

A bill to amend section 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,"

as amended by Act No. 401 of the Public Acts of 1980, being section 52.205 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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

18 (2) The COUNTY medical examiner may designate a person
19 appointed ~~pursuant to~~ UNDER section 1a(2) to take charge of the
20 body, make pertinent inquiry, note the circumstances surrounding
21 the death, and, if considered necessary, cause the body to be
22 transported to the morgue for examination by the COUNTY medical
23 examiner. The COUNTY medical examiner shall maintain a list of
24 persons appointed ~~pursuant to~~ UNDER section 1a(2) and their
25 qualifications which shall be filed with the local law enforce-
26 ment agencies. The person appointed ~~pursuant to~~ UNDER section
27 1a(2) shall not be an agent or employee of any person or funeral

1 establishment licensed under ~~Act No. 268 of the Public Acts of~~
2 ~~1949, as amended, being sections 338.861 to 338.875~~ ARTICLE 18
3 OF THE OCCUPATIONAL CODE, ACT NO. 299 OF THE PUBLIC ACTS OF 1980,
4 BEING SECTIONS 339.1801 TO 339.1812 of the Michigan Compiled
5 Laws, receive, directly or indirectly, any remuneration in con-
6 nection with the disposition of the body, or make any funeral or
7 burial arrangements without approval of the next of kin, if they
8 are found, or the person responsible for the funeral expenses.

9 (3) ~~The~~ SUBJECT TO SECTIONS 2854A TO 2859 OF THE PUBLIC
10 HEALTH CODE, ACT NO. 368 OF THE PUBLIC ACTS OF 1978, BEING SEC-
11 TIONS 333.2854A TO 333.2859 OF THE MICHIGAN COMPILED LAWS, THE
12 county medical examiner may perform or direct to be performed an
13 autopsy. ~~and~~ THE COUNTY MEDICAL EXAMINER shall ~~carefully~~
14 reduce or cause to be reduced to writing every fact and circum-
15 stance tending to show the condition of the body and the cause
16 and manner of death, together with the names and addresses of any
17 persons present at the autopsy. ~~, which record he or she shall~~
18 ~~subscribe.~~ THE COUNTY MEDICAL EXAMINER SHALL SIGN THE RECORD.

19 (4) The COUNTY medical examiner shall ascertain the identity
20 of the deceased and notify immediately AND as compassionately as
21 possible the next of kin of the death and the location of the
22 body. ~~except that such~~ HOWEVER, notification OF THE NEXT OF
23 KIN is not required if a person from the state police or a county
24 sheriff department or a township police department or a municipal
25 police department states to the COUNTY medical examiner that the
26 notification has already occurred. The county medical examiner
27 may conduct an autopsy if ~~he or she~~ THE COUNTY MEDICAL EXAMINER

1 determines that an autopsy reasonably appears to be required
2 pursuant to law AND IS NOT PROHIBITED BY SECTIONS 2856 TO 2859 OF
3 THE PUBLIC HEALTH CODE, ACT NO. 368 OF THE PUBLIC ACTS OF 1978.
4 After the county medical examiner or a deputy or a person from
5 the state police or a county sheriff department or a township
6 police department or a municipal police department has made dili-
7 gent effort to locate and notify the next of kin, ~~he or she~~ THE
8 COUNTY MEDICAL EXAMINER may order and conduct the autopsy with or
9 without the consent of the next of kin of the deceased.

10 (5) The county medical examiner or a deputy shall keep a
11 written record of the efforts to locate and notify the next of
12 kin for a period of 1 year from the date of the autopsy. The
13 county medical examiner shall, after any required examination or
14 autopsy, promptly deliver or return the body to relatives or rep-
15 resentatives of the deceased or, if there are no relatives or
16 representatives known to the COUNTY MEDICAL examiner, ~~he or she~~
17 THE COUNTY MEDICAL EXAMINER may cause the body to be decently
18 buried, except that the COUNTY medical examiner may retain, as
19 long as may be necessary, any portion of the body believed by the
20 COUNTY medical examiner to be necessary for the detection of any
21 crime.

22 Section 2. This amendatory act shall not take effect unless
23 Senate Bill No. _____ or House Bill No. 4161 (request
24 no. 00887'89) of the 85th Legislature is enacted into law.