

HOUSE BILL No. 4416

March 9, 1989, Introduced by Reps. Profit, Bandstra, Crandall, Krause, DeLange, O'Connor, DeMars, Perry Bullard and Mathieu and referred to the Committee on Judiciary.

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~~ EXCEPT AS OTHERWISE PROVIDED IN
2 SUBSECTION (2), WHEN a county medical examiner ~~has~~ RECEIVES
3 notice that there has been found within his or her county or dis-
4 trict the body of a person who is supposed to have come to his or
5 her death in a manner as indicated in section 3, the medical
6 examiner shall take charge of the body, and if, on view of the
7 body and personal inquiry into the cause and manner of the death,
8 the medical examiner considers a further examination necessary,
9 the county medical examiner or a deputy COUNTY MEDICAL EXAMINER
10 may cause the dead body to be removed to the public morgue. If
11 the investigation is for the reason only that the dead person had
12 no medical attendance during 48 hours before the hour of death,
13 and if the dead person had chosen not to have medical attendance
14 because of his or her bona fide held religious convictions,
15 removal shall not be required unless there is evidence of other
16 conditions ~~stipulated~~ SET FORTH in section 3. If there is no
17 public morgue, then the body may be removed to a private morgue
18 ~~as~~ DESIGNATED BY the county medical examiner. ~~has~~
19 ~~designated.~~

20 (2) IF A COUNTY MEDICAL EXAMINER HAS NOTICE PURSUANT TO SEC-
21 TION 3 THAT THERE HAS BEEN FOUND WITHIN HIS OR HER COUNTY OR DIS-
22 TRICT THE BODY OF A PERSON WHO HAS DIED VIOLENTLY OR AS THE
23 RESULT OF ANY SUSPICIOUS CIRCUMSTANCES, AND IF THE VIOLENCE OR
24 SUSPICIOUS CIRCUMSTANCES WHICH RESULTED IN THE DEATH OF THE
25 PERSON OCCURRED IN A COUNTY OTHER THAN THE COUNTY IN WHICH THE
26 BODY WAS FOUND, THE COUNTY MEDICAL EXAMINER SHALL DO ALL OF THE
27 FOLLOWING:

(A) TAKE CHARGE OF THE BODY.

(B) NOTIFY THE COUNTY MEDICAL EXAMINER FOR THE COUNTY IN WHICH THE VIOLENCE OR SUSPICIOUS CIRCUMSTANCES RESULTING IN THE DEATH OF THE PERSON OCCURRED.

(C) MAKE ARRANGEMENTS FOR EITHER OF THE FOLLOWING:

(i) TO HAVE THE BODY TRANSPORTED TO A PUBLIC OR PRIVATE MORGUE IN THE COUNTY IN WHICH THE VIOLENCE OR SUSPICIOUS CIRCUMSTANCES RESULTING IN THE DEATH OF THE PERSON OCCURRED, AS DESIGNATED BY THE COUNTY MEDICAL EXAMINER FOR THAT COUNTY.

(ii) TO ENTER INTO AN AGREEMENT WITH THE COUNTY IN WHICH THE VIOLENCE OR SUSPICIOUS CIRCUMSTANCES RESULTING IN THE DEATH OF THE PERSON OCCURRED FOR THE PERFORMANCE OF THE AUTOPSY BY THE COUNTY MEDICAL EXAMINER FOR THE COUNTY IN WHICH THE BODY WAS FOUND.

(3) IF A BODY IS TRANSPORTED PURSUANT TO SUBSECTION (2), THE COUNTY MEDICAL EXAMINER FOR THE COUNTY TO WHICH THE BODY IS TRANSPORTED SHALL BE RESPONSIBLE FOR THE BODY AS IF THE BODY HAD BEEN FOUND WITHIN HIS OR HER OWN COUNTY OR DISTRICT. THE COUNTY TO WHICH THE BODY IS TRANSPORTED SHALL BE RESPONSIBLE FOR THE REASONABLE COSTS OF TRANSPORTING THE BODY.

(4) ~~-(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~~ THE

1 LIST shall be filed with the local law enforcement agencies.

2 ~~The~~ A person appointed pursuant to section 1a(2) shall not be
3 an agent or employee of ~~any~~ A person ~~or funeral establishment~~
4 licensed TO ENGAGE IN THE PRACTICE OF MORTUARY SCIENCE under ~~Act~~
5 ~~No. 268 of the Public Acts of 1949, as amended, being sections~~
6 ~~338.861 to 338.875~~ ARTICLE 18 OF THE OCCUPATIONAL CODE, ACT
7 NO. 299 OF THE PUBLIC ACTS OF 1980, BEING SECTIONS 339.1801 TO
8 339.1812 of the Michigan Compiled Laws, AND SHALL NOT receive,
9 directly or indirectly, any remuneration in connection with the
10 disposition of the body, or make any funeral or burial arrange-
11 ments without approval of the next of kin, if they are found, or
12 the person responsible for the funeral expenses.

13 (5) ~~(3)~~ The county medical examiner may perform or direct
14 to be performed an autopsy and shall carefully reduce or cause to
15 be reduced to writing every fact and circumstance tending to show
16 the condition of the body and the cause and manner of death,
17 together with the names and addresses of any persons present at
18 the autopsy, which record he or she shall subscribe.

19 (6) ~~(4)~~ The medical examiner shall ascertain the identity
20 of the deceased and notify immediately as compassionately as pos-
21 sible the next of kin of the death and the location of the body
22 except that such notification is not required if a person from
23 the state police or a county sheriff department or a township
24 police department or a municipal police department states to the
25 medical examiner that the notification has already occurred. The
26 county medical examiner may conduct an autopsy if he or she
27 determines that an autopsy reasonably appears to be required

1 pursuant to law. After the county medical examiner; ~~or~~ a
2 deputy MEDICAL EXAMINER; or a person from the state police, ~~or~~
3 a county sheriff department, ~~or~~ a township police department,
4 or a municipal police department has made diligent effort to
5 locate and notify the next of kin, ~~he or she~~ THE COUNTY MEDICAL
6 EXAMINER may order and conduct the autopsy with or without the
7 consent of the next of kin of the deceased.

8 (7) ~~(5)~~ The county medical examiner or a deputy shall keep
9 a written record of the efforts to locate and notify the next of
10 kin for a period of 1 year from the date of the autopsy. The
11 county medical examiner shall, after any required examination or
12 autopsy, promptly deliver or return the body to relatives or rep-
13 resentatives of the deceased or, if there are no relatives or
14 representatives known to the examiner, he or she may cause the
15 body to be decently buried, except that the medical examiner may
16 retain, as long as may be necessary, ~~any~~ A portion of the body
17 believed by the medical examiner to be necessary for the detec-
18 tion of ~~any~~ A crime.