



**House  
Legislative  
Analysis  
Section**

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**LOCATION OF AUTOPSY**

House Bill 4777 as passed by the House  
Second Analysis (8-18-87)

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Sponsor: Rep. Perry Bullard  
Committee: Judiciary

SEP 14 1987

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**THE APPARENT PROBLEM:**

Under Public Act 181 of 1953, when an autopsy is required, that autopsy must be performed in the county in which the body was found. This requirement can create problems where there is a major medical center, because of the relatively high numbers of crime and accident victims that are taken there for treatment and subsequently die there (which for the purposes of the statute is the same as the body being found there). The required autopsy typically is performed by a hospital pathologist who is also a deputy medical examiner and may later be called to testify in court on autopsy findings. Pathologists at places such as the University of Michigan Hospital may frequently be called to testify outside Washtenaw County, a burdensome requirement for people with medical, teaching, and research responsibilities. It has been suggested that the law be changed so that a medical examiner may send a body to be autopsied in the county in which the cause of death occurred, rather than the death itself.

**THE CONTENT OF THE BILL:**

The bill would amend Public Act 181 of 1953 to require a county medical examiner to take certain steps when he or she had notice that there had been found the body of a person who had died violently or as the result of any suspicious circumstances and that the violence or suspicious circumstances occurred outside the county. The examiner would have to do three things:

- take charge of the body;
- notify the county medical examiner for the county in which the violence or suspicious circumstances occurred; and,
- either have the body transported to a morgue in the county in which the cause of death occurred (the morgue would be designated by the examiner for that county) or enter into an agreement with that other county for the autopsy to be performed by the examiner for the county in which the body was found.

If a body was sent to the county in which the cause of death occurred, that county's medical examiner would be responsible for the body as if it had been found within his or her own county. The county to which the body was transported would be responsible for the reasonable costs of transporting the body.

In addition, the bill would require a county medical examiner to perform an autopsy if requested by the prosecutor or the attorney general as part of an investigation into the circumstances surrounding a death. (Current law authorizes the prosecutor or attorney general to demand that the medical examiner conduct an investigation, but does not authorize those officials to demand an autopsy.)

MCL 52.205 and 52.207

**FISCAL IMPLICATIONS:**

The House Fiscal Agency says that the bill would have no fiscal impact. (7-22-87)

**ARGUMENTS:**

**For:**

The bill would relieve pathologists at major medical centers of the burdensome demand to testify frequently at out-of-town locations. Instead of a crime or accident victim's autopsy being performed where the person died, the autopsy would be performed in the county where the crime or accident occurred, and that county's medical examiner would then be responsible for any later court appearances that became necessary.

**For:**

An autopsy may provide information crucial to a criminal investigation. The bill would ensure that prosecutors may demand an autopsy as part of the investigation into a death that they may already demand of medical examiners.

**POSITIONS:**

The Prosecuting Attorneys Association of Michigan supports the bill. (7-23-87)

H.B. 4777 (8-18-87)