

HOUSE BILL No. 5987

April 30, 2002, Introduced by Rep. DeWeese and referred to the Committee on Criminal Justice.

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 section 5 (MCL 52.205), as amended by 1980 PA 401.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) ~~When~~ IF a county medical examiner OR DEPUTY
2 COUNTY MEDICAL EXAMINER has notice that ~~there has been found~~
3 ~~within his or her county or district~~ the body of a person who
4 ~~is supposed to have come to his or her death~~ MAY HAVE DIED in a
5 manner ~~as indicated~~ DESCRIBED in section 3 HAS BEEN FOUND
6 WITHIN THE COUNTY MEDICAL EXAMINER'S GEOGRAPHICAL JURISDICTION,
7 the COUNTY medical examiner OR DEPUTY COUNTY MEDICAL EXAMINER

1 shall take charge of the body. ~~and if, on view of~~ IF AFTER
2 EXAMINING the body and ~~personal inquiry into~~ INVESTIGATING the
3 cause and manner of the death ~~the~~ the COUNTY medical examiner OR
4 DEPUTY COUNTY MEDICAL EXAMINER considers a further examination
5 necessary, ~~the county medical examiner or a deputy~~ HE OR SHE
6 may cause the dead body to be removed to the public morgue. If
7 the investigation is SOLELY for the reason ~~only~~ that the dead
8 person had no medical attendance during THE 48 hours ~~before~~
9 IMMEDIATELY PRECEDING the hour of death, and if the dead person
10 had chosen not to have medical attendance because of his or her
11 bona fide held religious convictions, removal ~~shall~~ IS not ~~be~~
12 required unless there is evidence of other conditions
13 ~~stipulated~~ DESCRIBED in section 3. If there is no public
14 morgue, ~~then~~ the body may be removed to a private morgue ~~as~~
15 DESIGNATED BY the county medical examiner ~~has designated~~ OR
16 DEPUTY COUNTY MEDICAL EXAMINER.

17 (2) The COUNTY medical examiner OR DEPUTY COUNTY MEDICAL
18 EXAMINER may designate a ~~person~~ MEDICAL EXAMINER INVESTIGATOR
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 OR DEPUTY COUNTY MEDICAL EXAMINER. The COUNTY medical
24 examiner OR DEPUTY COUNTY MEDICAL EXAMINER shall maintain a list
25 of ~~persons~~ MEDICAL EXAMINER INVESTIGATORS appointed ~~pursuant~~
26 ~~to~~ UNDER section 1a(2) and their qualifications, ~~which~~ AND
27 shall ~~be filed~~ FILE THE LIST with the local law enforcement

1 agencies. ~~The person~~ A MEDICAL EXAMINER INVESTIGATOR appointed
2 ~~pursuant to~~ UNDER section 1a(2) shall not be an agent or
3 employee of ~~any~~ A person or funeral establishment licensed
4 under ~~Act No. 268 of the Public Acts of 1949, as amended, being~~
5 ~~sections 338.861 to 338.875 of the Michigan Compiled Laws~~ THE
6 OCCUPATIONAL CODE, 1980 PA 299, MCL 339.101 TO 339.2721, AND
7 SHALL NOT receive, directly or indirectly, ~~any~~ remuneration in
8 connection with the disposition of the body, or make ~~any~~
9 funeral or burial arrangements without approval of the next of
10 kin, if ~~they are found~~ KNOWN, or the person responsible for the
11 funeral expenses.

12 (3) The county medical examiner may perform or direct to be
13 performed an autopsy ON A BODY DESCRIBED IN SUBSECTION (2) and
14 shall carefully reduce or cause to be reduced to writing ~~every~~
15 EACH fact and circumstance tending to show the condition of the
16 body and the cause and manner of death, ~~together with~~ AND SHALL
17 INCLUDE IN THAT WRITING the names and addresses of ~~any persons~~
18 EACH PERSON present at the autopsy. ~~, which record he or she~~
19 ~~shall subscribe.~~ THE PERSON PERFORMING THE AUTOPSY SHALL SUB-
20 SCRIBE THE WRITING DESCRIBED IN THIS SUBSECTION.

21 (4) ~~The~~ EXCEPT AS PROVIDED IN SUBSECTION (5), BEFORE PER-
22 FORMING AN AUTOPSY UNDER SUBSECTION (3), THE COUNTY medical
23 examiner OR DEPUTY COUNTY MEDICAL EXAMINER shall ascertain the
24 identity of the deceased and ~~notify~~ immediately AND as compas-
25 sionately as possible NOTIFY the next of kin of the DECEDENT'S
26 death and the location of the body. ~~except that such~~ THE COUNTY
27 MEDICAL EXAMINER OR DEPUTY COUNTY MEDICAL EXAMINER SHALL ALSO ASK

1 THE NEXT OF KIN IF HE OR SHE WANTS AN AUTOPSY CONDUCTED ON THE
2 BODY OF THE DECEASED. THE COUNTY MEDICAL EXAMINER OR DEPUTY
3 COUNTY MEDICAL EXAMINER SHALL INCLUDE IN THE NOTICE INFORMATION
4 REGARDING THE COST OF AN AUTOPSY, THE BENEFITS OF AN AUTOPSY, AND
5 THE FACT THAT SOME AUTOPSIES ARE REQUIRED BY LAW.

6 (5) THE notification REGARDING THE DECEDENT'S DEATH AND THE
7 LOCATION OF THE BODY DESCRIBED IN SUBSECTION (4) is not required
8 if a person from the state police or a ~~county sheriff department~~
9 ~~or a township police department or a municipal police department~~
10 LOCAL LAW ENFORCEMENT AGENCY states to the COUNTY medical
11 examiner that the notification has already occurred. The county
12 medical examiner may conduct an autopsy UNDER SUBSECTION (3) if
13 he or she determines that an autopsy reasonably appears to be
14 required pursuant to law. IF THE NEXT OF KIN REQUESTS AN AUTOPSY
15 UNDER SUBSECTION (4), THE COUNTY MEDICAL EXAMINER OR DEPUTY
16 COUNTY MEDICAL EXAMINER SHALL PERFORM AN AUTOPSY UPON AGREEMENT
17 BY THE NEXT OF KIN TO PAY THE REASONABLE COST OF THE AUTOPSY.
18 After the county medical examiner, DEPUTY COUNTY MEDICAL
19 EXAMINER, or a ~~deputy or a~~ person from the state police or a
20 ~~county sheriff department or a township police department or a~~
21 ~~municipal police department~~ LOCAL LAW ENFORCEMENT AGENCY has
22 made diligent effort to locate and notify the next of kin, ~~he or~~
23 ~~she~~ THE COUNTY MEDICAL EXAMINER may order and conduct ~~the~~ AN
24 autopsy UNDER SUBSECTION (3) with or without the consent of the
25 next of kin of the deceased.

26 (6) ~~-(5)-~~ The county medical examiner or ~~a~~ HIS OR HER
27 deputy shall keep a written record of the efforts to locate and

1 notify the next of kin UNDER SUBSECTIONS (4) AND (5) for a period
2 of 1 year from the date of the autopsy. ~~The county medical~~
3 ~~examiner shall, after any~~ AFTER CONDUCTING A required OR
4 REQUESTED examination or autopsy UNDER THIS SECTION, THE COUNTY
5 MEDICAL EXAMINER OR DEPUTY COUNTY MEDICAL EXAMINER SHALL promptly
6 deliver or return the body to relatives or representatives of the
7 deceased. ~~or, if~~ IF there are no relatives or representatives
8 OF THE DECEASED known to the COUNTY MEDICAL examiner OR DEPUTY
9 COUNTY MEDICAL EXAMINER, he or she may cause the body to be
10 ~~decently~~ buried ~~, except that the medical examiner~~ PURSUANT
11 TO LAW, BUT may retain, as long as ~~may be~~ HE OR SHE DETERMINES
12 necessary, ~~any~~ A portion of the body believed by the COUNTY
13 medical examiner OR DEPUTY COUNTY MEDICAL EXAMINER to be neces-
14 sary for the detection of ~~any~~ A crime.