

WORKING DRAFT

HOUSE BILL NO. _____

Medical examiners.

Sponsored by: Joint Corporations, Elections and Political
Subdivisions Interim Committee

A BILL

for

1 AN ACT relating to medical examiners; establishing a state
2 medical examiners office; providing for appointment;
3 providing for qualifications and duties; providing for
4 deputy medical examiners; making conforming amendments;
5 authorizing positions; providing an appropriation; and
6 providing for an effective date.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.** W.S. 7-4-301 through 7-4-303 are created
11 to read:

12

13 **7-4-301. State medical examiner; appointment;**
14 **qualifications; employees; salaries; duties.**

15

1 (a) A state medical examiner shall be appointed by
2 the attorney general with the consent of the governor. The
3 state medical examiner shall serve at the pleasure of the
4 attorney general. He shall be a physician licensed to
5 practice medicine in this state, meet the qualifications of
6 a forensic pathologist, be certified by the American Board
7 of Pathologists and meet other qualifications as are
8 satisfactory to the attorney general.

9

10 (b) The state medical examiner may appoint deputy
11 medical examiners and other personnel as approved by the
12 attorney general with the consent of the governor. Deputy
13 medical examiners shall be physicians licensed to practice
14 in this state.

15

16 (c) The state medical examiner and staff shall
17 receive salaries fixed by the personnel division,
18 department of administration and information.

19

20 (d) The state medical examiner shall have the
21 authority to work with each county coroner and law
22 enforcement to best determine the cause of death in a
23 coroner case as defined in W.S. 7-4-104(a)(i). This
24 includes but is not limited to:

1

2 (i) Conducting forensic investigations and
3 pathological examinations and performing autopsies in order
4 to accurately certify the cause and manner of death;

5

6 (ii) Provide court testimony when necessary to
7 accomplish the purpose of this chapter; and

8

9 (iii) Assume custody of a deceased body if it
10 appears that the death is a coroner case as defined in W.S.
11 7-4-104(a)(i).

12

13 **7-4-302. Report to county coroner and district**
14 **attorney.**

15

16 When the cause of death has been established with
17 reasonable medical certainty, the state medical examiner
18 shall make available in writing to the county coroner and
19 district attorney his determination as to cause of death
20 and any other significant information pertaining to the
21 deceased.

22

23 **7-4-303. Records.**

1 Copies of records and detailed findings of autopsy and
2 laboratory investigations shall be maintained by the state
3 medical examiner's office.

4

5 **Section 2.** W.S. 1-14-104, 1-14-105, 6-4-502(b)(i),
6 6-5-115(a)(i), 7-3-207, 7-4-201(b)(ii) and (iii), and (f),
7 7-4-202, 7-4-205, 7-4-206, 7-4-208, 7-4-209(a),(b) and (c),
8 7-4-211(a), (b), (c), (d), (e), 9-1-633(f), 9-1-634(a) and
9 (b), 9-1-702(g), 9-1-804(a)(v), 14-3-207, 16-4-203(d)(i),
10 27-14-108(a)(xvii), 30-2-212(a) and (b), 31-5-1108(a), 33-
11 16-108, 35-1-241(a), 35-1-418(c), and 35-5-115(b)(iii) are
12 amended to read:

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***** STAFF COMMENTS *****

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**W.S. 1-14-104 and 1-14-105 are statues that deal
with a physician or surgeon performing autopsies
at the request of a coroner. It appears they can
be repealed if the medical examiner is to conduct
an autopsy in all coroner cases.**

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**1-14-104. Medical examiner as expert or performing
postmortem or autopsy; fees.**

Any physician or surgeon shall receive a reasonable
fee as determined by the coroner when testifying as an
expert before a coroner or other officer for each half day
or portion thereof, and when conducting a postmortem
examination or autopsy.

1

2 **1-14-105. Medical examiner testifying as expert or**
3 **performing postmortem or autopsy; postmortem fee**
4 **certificate; exceptions.**

5

6 The coroner or other officer who has ordered a
7 postmortem examination shall issue to the physician or
8 surgeon a certificate for the fees provided, which shall be
9 paid by the board of county commissioners by issuing a
10 county warrant on the treasurer of the county in which the
11 services were rendered in the amount of the certificate.
12 W.S. 1-14-104 and 1-14-105 do not apply in the case of any
13 physician regularly employed by the county.

14

15 **6-4-502. Mutilation of dead human bodies; penalties;**
16 **exceptions.**

17

18 (b) This section does not apply to:

19

20 (i) The state health officer acting pursuant to
21 W.S. 35-1-241, or a physician or surgeon acting on the
22 order of a court of competent jurisdiction, a coroner, the
23 state medical examiner or other qualified officer;

24

1 **6-5-115. Neglect or refusal of ministerial officer to**
2 **perform duty in criminal case; unnecessary delay in serving**
3 **warrant; penalties.**

4
5 (a) A person commits a misdemeanor punishable by
6 imprisonment for not more than six (6) months, a fine of
7 not more than five hundred dollars (\$500.00), or both, if
8 he is:

9
10 (i) A clerk, sheriff, coroner, state medical
11 examiner or other ministerial officer who refuses or
12 neglects to perform any duty he is required by law to
13 perform in any criminal case or proceeding; or

14
15 **7-3-207. Issuance of governor's warrant for arrest;**
16 **contents.**

17
18 If the governor decides that the demand should be
19 complied with, he shall sign a warrant of arrest, sealed
20 with the state seal, and directed to a sheriff, marshal,
21 coroner, medical examiner or other person entrusted to
22 execute it. The warrant shall substantially recite the
23 facts necessary to the validity of its issuance.

24

1

2 (c) If the coroner determines to hold an inquest he
3 shall summon three (3) citizens of the county to appear
4 before him to act as jurors at the time and place named.
5 The jurors shall receive the same fee paid jurors in
6 district court as provided in W.S. 1-11-303 and per diem
7 and travel expenses in the same manner as state employees.
8 The coroner may furnish transportation for the jury and
9 witnesses to and from the place of inquest and for the
10 removal of the dead body.

11

12 (f) Notwithstanding any other provision of law to the
13 contrary, the coroner and state medical examiner may
14 inspect medical and psychological data relating to the
15 person whose death is being investigated if the coroner and
16 state medical examiner ~~determines~~determine the information
17 is relevant and necessary to the investigation.

18

19 **7-4-202. Impaneling of bystanders as jurors; oath.**

20

21 If any juror fails to appear, the coroner shall
22 immediately summon the proper number from the bystanders
23 and proceed to impanel them. He shall administer the
24 following oath: "You do solemnly swear (or affirm) that you

1 will diligently inquire and truly present if known or
2 determinable, the time and date of death, and by what means
3 and manner the death of (NAME OF DECEASED) was caused,
4 according to your knowledge and the evidence given you, so
5 help you God."

6

7 **7-4-205. Return of inquisition by jury.**

8

9 After hearing testimony and making necessary
10 inquiries, the jurors shall return to the coroner their
11 signed inquisition stating the name of the person and
12 when, how and by what means, if known, he came to his
13 death.

14

15 **7-4-206. Coroner's return to court.**

16

17 The coroner shall return to the district court the
18 inquisition, the written evidence and a list of witnesses
19 providing material testimony.

20

21 **7-4-208. Authority of sheriff to perform duties of**
22 **coroner.**

23

1 If there is no coroner, deputy coroner or in case of
2 their absence, or inability to act, the county sheriff of
3 the same county, ~~or~~ the state health officer pursuant to
4 W.S. 35-1-241, or the state medical examiner is authorized
5 to perform the duties of coroner in relation to dead
6 bodies.

7

8 **7-4-209. Postmortem examination; liability**
9 **limitation.**

10

11 (a) When an inquisition is being held, ~~if~~ the coroner
12 ~~or the jury shall deem it requisite, he may summon one (1)~~
13 ~~or more physicians or surgeons~~ shall contact the state
14 medical examiner to make an autopsy or postmortem
15 examination.

16

17 (b) If it is necessary to obtain or preserve evidence
18 of the cause of death, the district attorney ~~may~~ shall
19 ~~order that a qualified physician~~ contact the state medical
20 examiner to perform an autopsy or postmortem examination of
21 the body of any person who appears to have died by unlawful
22 means, by violence, or when the cause of death is unknown.

23

1 (c) No person is subject to civil liability solely
2 because he requested or was involved in the performing of
3 an autopsy that was ordered by a coroner, state medical
4 examiner or district attorney.

5

6 ***** STAFF COMMENTS *****
7 **W.S. 7-4-211 involves the Board of coroner's. A**
8 **decision will need to be made on whether or not**
9 **the medical examiner should fall under these or**
10 **other standards.**

11

12 **7-4-211. Board of coroner standards.**

13

14 (a) There is created a board of coroner standards.
15 The board shall consist of one (1) chairman and six (6)
16 members appointed by and who shall serve at the pleasure of
17 the governor as follows:

18

19 (i) One (1) shall be a physician with a specialty in
20 pathology who is licensed to practice in this state;

21

22 (ii) Three (3) shall be duly elected coroners in this
23 state;

24

25 (iii) One (1) shall be a funeral director in this
26 state;

1

2 (iv) One (1) shall be a duly elected district
3 attorney in this state;

4

5 (v) One (1) shall be a peace officer certified under
6 W.S. 9-1-701 through 9-1-707.

7

8 (b) The members of the board shall be appointed to
9 terms of four (4) years which are concurrent with the terms
10 of the office of coroner. Board members who are not elected
11 county officers or employees of a government agency shall
12 receive travel expenses and per diem in the same manner and
13 amount as state employees.

14

15 (c) The board shall:

16

17 (i) Meet at the call of the chairman or of a majority
18 of the membership;

19

20 (ii) Promulgate standards dealing with the
21 investigation of coroner's cases;

22

1 (iii) Promulgate educational and training
2 requirements for coroner basic and continuing education
3 requirements;

4
5 (iv) Cooperate with the peace officer standards and
6 training commission in developing basic and continuing
7 education courses for coroners;

8
9 (v) Promulgate employment standards for deputy
10 coroners and coroner employees. The standards may include
11 the requirement that deputy coroners and coroner employees
12 provide to the employing coroner fingerprints and other
13 information necessary for a state and national criminal
14 history record background check and release of information
15 as provided in W.S. 7-19-106(k)(ii) and federal P.L. 92-544
16 and consent to the release of any criminal history
17 information to the employing coroner.

18
19 (d) The peace officer standards and training
20 commission shall cooperate with the board of coroner
21 standards in establishing course requirements and
22 continuing education requirements required by law.

23

1 (e) The board shall contact the district attorney for
2 the county to initiate an action and may serve as
3 complaining party in an action under W.S. 18-3-902 to
4 remove any coroner who is not in compliance with W.S. 7-4-
5 103.

6

7

***** STAFF COMMENTS *****

8 **W.S. 9-1-633, 9-1-634 and 9-1-702 involve**
9 **P.O.S.T. training for coroners. A decision will**
10 **need to be made on whether or not coroners,**
11 **medical examiners, or both need to participate in**
12 **the training as required here.**

13

14 **9-1-633. Wyoming law enforcement academy; director;**
15 **appointment; term; qualifications; employees; salaries;**
16 **curriculum and training programs; fees; disposition.**

17

18 (f) The director shall charge and collect a fee
19 sufficient to cover actual direct and indirect costs of
20 coroner basic courses. The fee shall be at least three
21 hundred dollars (\$300.00) per student attending the coroner
22 basic courses.

23

24 **9-1-634. Academy to provide coroner training;**
25 **certification of completion.**

26

1 (a) The director of the Wyoming law enforcement
2 academy may provide at the academy or other location within
3 the state a basic coroner's course of forty (40) hours. The
4 course shall comply with standards promulgated by the peace
5 officers standards and training commission and the board of
6 coroner standards.

7

8 (b) The executive director of the peace officers
9 standards and training commission shall issue an
10 appropriate certificate of completion to any coroner or
11 deputy coroner who completes a coroner training course
12 offered by the academy or which the board of coroner
13 standards has certified as meeting board standards.

14

15 **9-1-702. Created; membership; removal; compensation;**
16 **meetings; publication of procedures; standards for**
17 **certified training; powers and duties.**

18

19 (g) The commission shall establish course
20 requirements and continuing education requirements for
21 coroner training.

22

1 **9-1-804. Duties and powers generally; employment of**
2 **deputy and assistant district attorneys and other necessary**
3 **personnel.**

4
5 (a) In addition to other duties prescribed by law,
6 each district attorney has exclusive jurisdiction to:

7
8 (v) Appear at all inquests held by any coroner
9 in his district or medical examiner;

10
11 **14-3-207. Abuse or neglect as suspected cause of**
12 **death; coroner's investigation.**

13
14 Any person who knows or has reasonable cause to suspect
15 that a child has died as a result of child abuse or neglect
16 shall report to the appropriate coroner. The coroner shall
17 contact the state medical examiner. The coroner along with
18 the state medical examiner shall investigate the report and
19 submit ~~his~~their findings in writing to the law enforcement
20 agency, the appropriate district attorney and the local
21 child protective agency.

22

1 **16-4-203. Right of inspection; grounds for denial;**
2 **access of news media; order permitting or restricting**
3 **disclosure; exceptions.**

4
5 (d) The custodian shall deny the right of inspection
6 of the following records, unless otherwise provided by law:

7
8 (i) Medical, psychological and sociological data on
9 individual persons, exclusive of coroners' or medical
10 examiner autopsy reports;

11
12 ***** STAFF COMMENTS *****

13 **W.S. 30-2-212 is another statute dealing with**
14 **coroner inquests. A decision will need to be**
15 **made on what kind of inquests should be held in**
16 **mining operations and whether the medical**
17 **examiner need be involved.**

18
19 **30-2-212. Accident investigation; fatal accidents;**
20 **procedure; coroner's inquest; notification of inquest.**

21
22 (a) The inspector, or his deputy when authorized,
23 shall investigate all fatal accidents occurring in
24 connection with mining operations. In his investigation he
25 may compel the attendance of witnesses and administer oaths
26 as if he were a coroner. The costs of an investigation
27 shall be paid by the county in which the accident occurred

1 in the same manner as costs of coroners inquests are paid
2 by law.

3

4 (b) The inspector, or his deputy when authorized, may
5 order the coroner of the county in which the accident
6 occurred to hold an inquest into the accident. In choosing
7 a jury for the inquest, the coroner shall empanel at least
8 one (1) experienced miner. It is unlawful for the coroner
9 to release the body of any person killed in a mining
10 accident without notice from the inspector that an inquest
11 is not necessary.

12

13 **31-5-1108. Report forms; failure to make report;
14 false report.**

15

16 (a) The highway department shall prepare and upon
17 request supply to police departments, coroners, medical
18 examiners, sheriffs and other suitable agencies or
19 individuals, forms for accident reports required hereunder,
20 appropriate with respect to the persons required to make
21 the reports and the purposes to be served. The written
22 reports to be made by persons involved in accidents and by
23 investigating officers shall call for sufficiently detailed
24 information to disclose with reference to a traffic

1 accident the cause, conditions then existing and the
2 persons and vehicles involved.

3

4 **33-16-108. When coroner's permission to embalm**
5 **required; penalty.**

6

7 It is unlawful to embalm a dead human body when any
8 fact within the knowledge or brought to the attention of
9 the embalmer is sufficient to arouse suspicion of crime in
10 connection with the cause of death of the deceased, until
11 permission of the coroner or medical examiner is obtained.
12 Any person knowingly violating this section is guilty of a
13 misdemeanor punishable by imprisonment for not more than
14 one (1) year, a fine of not more than one thousand dollars
15 (\$1,000.00), or both.

16

17 **35-1-241. Safe disposal of corpses in emergency**
18 **circumstances.**

19

20 (a) The state health officer in consultation with the
21 appropriate county coroner or medical examiner, during the
22 period that a public health emergency exists, may:

23

24 **35-1-418. Death registration.**

1

2 (c) The medical certification shall be completed and
3 signed within a reasonable time after death by the
4 physician in charge of the patient's care for the illness
5 or condition which resulted in death, except when inquiry
6 is required by the postmortem examination. If the death
7 occurred without medical attendance or if the physician
8 last in attendance refuses or for any reason fails to sign
9 the certificate immediately, the funeral director or person
10 acting as funeral director shall notify the appropriate
11 local registrar. In that event the local registrar shall
12 inform the local health officer and refer the case to him
13 for immediate investigation and certification of cause of
14 death prior to issuing a permit for burial, cremation or
15 other disposition of the body. If the circumstances of the
16 case suggest that the death was caused by other than
17 natural causes, the local registrar shall refer the case to
18 the coroner for investigation and certification. The
19 coroner shall examine the body and consider the history of
20 the case, and obtain the assistance and advice of ~~a~~
21 ~~competent physician~~ the state medical examiner who will
22 assist the coroner in determining the cause of death by
23 examination of the body, autopsy, inquest or other
24 procedure determined necessary. The ~~nonmedical~~ coroner

1 shall not diagnose the cause of death without the
2 assistance and advice of ~~a competent physician~~ the state
3 medical examiner. The coroner, state medical examiner or
4 local health officer shall complete and sign the medical
5 certification within a reasonable time after taking charge
6 of the case.

7

8 ***** STAFF COMMENTS *****
9 **Need to determine funding and number of positions**
10 **needed to implement this act.**

11

12 **Section 2.** There are authorized three (3) full time
13 positions and x (x) part time positions to the attorney
14 general, for the purpose of implementing this act. x
15 dollars (\$x) is appropriated from the general fund to the
16 attorney general to implement the purposes of this act.

17

18 **Section 3.** This act is effective July 1, 2006.

19

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(END)