

HOUSE BILL NO. HB0308

Medical examiners.

Sponsored by: Representative(s) Zwonitzer, Dn., Carson and Craft

A BILL

for

1 AN ACT relating to a state medical examiner; establishing a
2 state medical examiner's office; providing for
3 appointments; providing for qualifications and duties;
4 providing for deputy medical examiner; conforming
5 provisions; providing an appropriation; authorizing
6 positions; and 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

ARTICLE 3

14

STATE MEDICAL EXAMINER

15

1 7-4-301. State medical examiner; appointment;
2 qualifications; employees; salaries; duties.

3

4 (a) There is created a state medical examiner's
5 office in the office of the attorney general.

6

7 (b) The state medical examiner shall:

8

9 (i) Be appointed by the attorney general with
10 the consent of the governor;

11

12 (ii) Serve at the pleasure of the attorney
13 general;

14

15 (iii) Be a physician licensed to practice
16 medicine in this state who:

17

18 (A) Meets the qualifications of a forensic
19 pathologist;

20

21 (B) Is certified by the American Board of
22 Pathologists; and

23

1 (C) Meets other qualifications as are
2 satisfactory to the attorney general.

3

4 (c) The state medical examiner may appoint deputy
5 medical examiners and other personnel as approved by the
6 attorney general with the consent of the governor. Deputy
7 medical examiners shall be physicians licensed to practice
8 in this state.

9

10 (d) The state medical examiner and staff shall
11 receive salaries fixed by the personnel division,
12 department of administration and information.

13

14 (e) The state medical examiner shall have the
15 authority to work with each county coroner and law
16 enforcement to best determine the cause of death in a
17 coroner's case as defined in W.S. 7-4-104(a)(i). The duties
18 shall include, but are not limited to:

19

20 (i) Conducting forensic investigations and
21 pathological examinations and performing autopsies in order
22 to accurately certify the cause and manner of death;

23

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

3

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

7

8 **7-4-302. Report to county coroner and district**
9 **attorney.**

10

11 When the cause of death has been established with
12 reasonable medical certainty, the state medical examiner
13 shall make available in writing to the county coroner and
14 district attorney his determination as to cause of death
15 and any other significant information pertaining to the
16 deceased.

17

18 **7-4-303. Records.**

19

20 Copies of records and detailed findings of autopsy and
21 laboratory investigations shall be maintained by the state
22 medical examiner's office.

23

1 **Section 2.** W.S. 6-4-502(b)(i), 6-5-115(a)(i),
2 7-4-201(b)(intro), (ii), (iii) and (f), 7-4-208, 7-4-209,
3 7-4-211(a)(i) and (c)(iv), 9-1-634(b), 14-3-207,
4 16-4-203(d)(i), 31-5-1108(a), 33-16-108, 35-1-241(a)(intro)
5 and 35-1-418(c) are amended to read:

6

7 **6-4-502. Mutilation of dead human bodies; penalties;**
8 **exceptions.**

9

10 (b) This section does not apply to:

11

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

16

17 **6-5-115. Neglect or refusal of ministerial officer to**
18 **perform duty in criminal case; unnecessary delay in serving**
19 **warrant; penalties.**

20

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

1

2 (i) A clerk, sheriff, coroner, state medical
3 examiner or other ministerial officer who refuses or
4 neglects to perform any duty he is required by law to
5 perform in any criminal case or proceeding; or

6

7 **7-4-201. Reports of death; investigation; summoning**
8 **of jurors; fees and costs; inspection of medical records.**

9

10 (b) When the coroner is notified that the dead body
11 of any person has been found within the limits of the
12 county or that the death resulted from injury sustained
13 within the county and he suspects that the death is a
14 coroner's case, he shall conduct an investigation which ~~may~~
15 shall include:

16

17 (ii) ~~The appointment of a qualified physician~~
18 Contacting the state medical examiner to assist in
19 ~~determining~~ investigating forensic and pathological
20 evidence to determine the cause of death;

21

22 (iii) Assisting with an autopsy if the ~~physician~~
23 ~~appointed to assist the coroner under this subsection~~ state
24 medical examiner determines an autopsy is necessary;

1

2 (f) Notwithstanding any other provision of law to the
3 contrary, the coroner and state medical examiner may
4 inspect medical and psychological data relating to the
5 person whose death is being investigated if the coroner or
6 state medical examiner determines the information is
7 relevant and necessary to the investigation.

8

9 **7-4-208. Authority of sheriff to perform duties of**
10 **coroner.**

11

12 If there is no coroner, deputy coroner or in case of their
13 absence, or inability to act, the county sheriff of the
14 same county, the state health officer pursuant to W.S.
15 35-1-241, or the ~~coroner of another county if there is a~~
16 ~~joint powers agreement pursuant to W.S. 16-1-102 through~~
17 ~~16-1-108 between the counties authorizing the coroner to so~~
18 ~~act,~~ state medical examiner is authorized to perform the
19 duties of coroner in relation to dead bodies.

20

21 **7-4-209. Postmortem examination; liability**
22 **limitation.**

23

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

6
7 (b) If it is necessary to obtain or preserve evidence
8 of the cause of death, the district attorney ~~may order that~~
9 ~~a qualified physician~~ shall contact the state medical
10 examiner to perform an autopsy or postmortem examination of
11 the body of any person who appears to have died by unlawful
12 means, by violence, or when the cause of death is unknown.

13
14 (c) No person is subject to civil liability solely
15 because he requested or was involved in the performing of
16 an autopsy that was ordered by a coroner, state medical
17 examiner or district attorney.

18
19 **7-4-211. Board of coroner standards.**

20
21 (a) There is created a board of coroner standards.
22 The board shall consist of one (1) chairman and six (6)
23 members appointed by and who shall serve at the pleasure of
24 the governor as follows:

1

2 (i) One (1) shall be ~~a physician with a~~
3 ~~specialty in pathology who is licensed to practice in this~~
4 ~~state~~ the state medical examiner;

5

6 (c) The board shall:

7

8 (iv) Cooperate with the peace officer standards
9 and training commission in developing basic and continuing
10 education courses for coroners and staff of the state
11 medical examiner's office;

12

13 **9-1-634. Academy to provide coroner training;**
14 **certification of completion.**

15

16 (b) The executive director of the peace officers
17 standards and training commission shall issue an
18 appropriate certificate of completion to any coroner, ~~or~~
19 deputy coroner or any employee of the state medical
20 examiner who completes a coroner training course offered by
21 the academy or which the board of coroner standards has
22 certified as meeting board standards.

23

1 **14-3-207. Abuse or neglect as suspected cause of**
2 **death; coroner's investigation.**

3

4 Any person who knows or has reasonable cause to suspect
5 that a child has died as a result of child abuse or neglect
6 shall report to the appropriate coroner. The coroner shall
7 contact the state medical examiner and together they shall
8 investigate the report and submit ~~his~~their findings in
9 writing to the law enforcement agency, the appropriate
10 district attorney and the local child protective agency.

11

12 **16-4-203. Right of inspection; grounds for denial;**
13 **access of news media; order permitting or restricting**
14 **disclosure; exceptions.**

15

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

18

19 (i) Medical, psychological and sociological data
20 on individual persons, exclusive of coroners' or state
21 medical examiner's autopsy reports;

22

23 **31-5-1108. Report forms; failure to make report;**
24 **false report.**

1

2 (a) The highway department shall prepare and upon
3 request supply to police departments, coroners, state
4 medical examiners, sheriffs and other suitable agencies or
5 individuals, forms for accident reports required hereunder,
6 appropriate with respect to the persons required to make
7 the reports and the purposes to be served. The written
8 reports to be made by persons involved in accidents and by
9 investigating officers shall call for sufficiently detailed
10 information to disclose with reference to a traffic
11 accident the cause, conditions then existing and the
12 persons and vehicles involved.

13

14 **33-16-108. When coroner's permission to embalm**
15 **required; penalty.**

16

17 It is unlawful to embalm a dead human body when any fact
18 within the knowledge or brought to the attention of the
19 embalmer is sufficient to arouse suspicion of crime in
20 connection with the cause of death of the deceased, until
21 permission of the coroner or state medical examiner is
22 obtained. Any person knowingly violating this section is
23 guilty of a misdemeanor punishable by imprisonment for not

1 more than one (1) year, a fine of not more than one
2 thousand dollars (\$1,000.00), or both.

3

4 **35-1-241. Safe disposal of corpses in emergency**
5 **circumstances.**

6

7 (a) The state health officer in consultation with the
8 appropriate county coroner or the state medical examiner,
9 during the period that a public health emergency exists,
10 may:

11

12 **35-1-418. Death registration.**

13

14 (c) The medical certification shall be completed and
15 signed within a reasonable time after death by the
16 physician in charge of the patient's care for the illness
17 or condition which resulted in death, except when inquiry
18 is required by the postmortem examination. If the death
19 occurred without medical attendance or if the physician
20 last in attendance refuses or for any reason fails to sign
21 the certificate immediately, the funeral director or person
22 acting as funeral director shall notify the appropriate
23 local registrar. In that event the local registrar shall
24 inform the local health officer and refer the case to him

1 for immediate investigation and certification of cause of
2 death prior to issuing a permit for burial, cremation or
3 other disposition of the body. If the circumstances of the
4 case suggest that the death was caused by other than
5 natural causes, the local registrar shall refer the case to
6 the coroner for investigation and certification. The
7 coroner shall examine the body and consider the history of
8 the case, and obtain the assistance and advice of ~~a~~
9 ~~competent physician~~ the state medical examiner who will
10 assist the coroner in determining the cause of death by
11 examination of the body, autopsy, inquest or other
12 procedure determined necessary. The ~~nonmedical~~ coroner
13 shall not diagnose the cause of death without the
14 assistance and advice of ~~a competent physician~~ the state
15 medical examiner. The coroner, state medical examiner or
16 local health officer shall complete and sign the medical
17 certification within a reasonable time after taking charge
18 of the case.

19

20 **Section 3.**

21

22 (a) There is appropriated four hundred thirteen
23 thousand dollars (\$413,000.00) from the general fund to the
24 attorney general for the period beginning July 1, 2009 and

1 ending June 30, 2010. The purpose of this appropriation is
2 to fund the implementation of this act. Notwithstanding
3 any other provision of law, this appropriation shall not be
4 transferred or expended for any other purpose and any
5 unexpended, unobligated funds remaining from this
6 appropriation shall revert as provided by law on June 30,
7 2010.

8

9 (b) The attorney general's office is authorized three
10 (3) full-time equivalent positions for the fiscal year
11 beginning July 1, 2009, to implement the purposes of this
12 act.

13

14 **Section 4.** This act is effective July 1, 2009.

15

16

(END)