



HOUSE BILL No. 4098

January 17, 1995, Introduced by Rep. Profit and referred to the Committee on Judiciary and Civil Rights.

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~~ AS USED IN THIS SECTION, "COUNTY OF
2 ORIGIN" MEANS THE COUNTY IN WHICH OCCURRED VIOLENCE OR SUSPICIOUS
3 CIRCUMSTANCES RESULTING IN THE DEATH OF A PERSON.

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

23 (3) IF A COUNTY MEDICAL EXAMINER HAS NOTICE PURSUANT TO SEC-
24 TION 3 THAT THERE WAS FOUND WITHIN HIS OR HER COUNTY THE BODY OF
25 A PERSON WHO HAS DIED VIOLENTLY OR AS THE RESULT OF ANY SUSPI-
26 CIOUS CIRCUMSTANCES, THE COUNTY MEDICAL EXAMINER HAS NOTICE THAT
27 THE VIOLENCE OR SUSPICIOUS CIRCUMSTANCES THAT RESULTED IN THE

1 DEATH OF THE PERSON OCCURRED IN A COUNTY OTHER THAN THE COUNTY IN
2 WHICH THE BODY WAS FOUND, AND A SUPERVISED MEDICAL TRANSFER
3 BROUGHT THE PERSON, OR HIS OR HER BODY, INTO THE COUNTY WHERE THE
4 BODY WAS FOUND, THEN THE COUNTY MEDICAL EXAMINER OF THE COUNTY
5 WHERE THE BODY WAS FOUND AND THE COUNTY MEDICAL EXAMINER FOR THE
6 COUNTY OF ORIGIN MAY AGREE THAT THE COUNTY MEDICAL EXAMINER FOR
7 THE COUNTY OF ORIGIN SHALL BE RESPONSIBLE FOR THE BODY AS IF THE
8 BODY HAD BEEN FOUND WITHIN HIS OR HER OWN COUNTY. IF AN AGREE-
9 MENT IS REACHED, THE COUNTY MEDICAL EXAMINER FOR THE COUNTY OF
10 ORIGIN SHALL ARRANGE AND SUPERVISE THE TRANSPORTATION OF THE BODY
11 TO A PUBLIC OR PRIVATE MORGUE IN THE COUNTY OF ORIGIN, AND THE
12 COUNTY OF ORIGIN IS RESPONSIBLE FOR THE COSTS OF TRANSPORTING THE
13 BODY. IF AN AGREEMENT IS REACHED, THE COUNTY MEDICAL EXAMINER
14 FOR THE COUNTY WHERE THE BODY WAS FOUND SHALL PROMPTLY NOTIFY THE
15 CUSTODIAN OF ANY HOSPITAL RECORDS GENERATED AFTER THE OCCURRENCE
16 OF THE VIOLENCE OR SUSPICIOUS CIRCUMSTANCES RESULTING IN THE
17 DEATH OF THE PERSON TO PROVIDE A COPY OF THOSE RECORDS TO THE
18 COUNTY MEDICAL EXAMINER OF THE COUNTY OF ORIGIN. UPON THE
19 RECEIPT OF SUCH NOTICE, THE CUSTODIAN SHALL PROMPTLY DELIVER A
20 COPY OF THOSE HOSPITAL RECORDS TO THE COUNTY MEDICAL EXAMINER FOR
21 THE COUNTY OF ORIGIN.

22 (4) IF AN AGREEMENT IS NOT REACHED UNDER SUBSECTION (3), THE
23 COUNTY MEDICAL EXAMINER FOR THE COUNTY WHERE THE BODY WAS FOUND
24 SHALL FOLLOW THE SAME STANDARDS WITH RESPECT TO EXAMINATION OF
25 THE BODY AS WOULD HAVE BEEN OBSERVED IF THE VIOLENCE OR SUSPI-
26 CIOUS CIRCUMSTANCES THAT RESULTED IN THE DEATH HAD OCCURRED IN
27 THAT COUNTY. EXCEPT AS PROVIDED IN SUBSECTION (5), THE COUNTY OF

1 ORIGIN SHALL REIMBURSE THE COUNTY WHERE THE BODY WAS FOUND FOR
2 THE COSTS OF THE EXAMINATION IF 1 OR MORE OF THE FOLLOWING
3 APPLY:

4 (A) DEATH OCCURRED DURING THE SUPERVISED MEDICAL TRANSFER.

5 (B) DEATH OCCURRED IN THE HOSPITAL EMERGENCY ROOM.

6 (C) DEATH OCCURRED WITHIN 24 HOURS AFTER ADMISSION TO THE
7 HOSPITAL. THIS SUBPARAGRAPH DOES NOT APPLY IF THE PERSON UNDER-
8 WENT A MAJOR OPERATIVE PROCEDURE UNDER GENERAL ANESTHESIA IN AN
9 OPERATING ROOM OF THE HOSPITAL AFTER THE SUPERVISED MEDICAL
10 TRANSFER.

11 (5) THE COUNTY MEDICAL EXAMINER FOR THE COUNTY WHERE THE
12 BODY WAS FOUND SHALL NOT CHARGE FOR A PROCEDURE FOR WHICH HIS OR
13 HER COUNTY IS ENTITLED TO REIMBURSEMENT UNDER SUBSECTION (4) AN
14 AMOUNT GREATER THAN THE AMOUNT THAT HE OR SHE WOULD HAVE CHARGED
15 FOR THE PROCEDURE HAD THE VIOLENCE OR SUSPICIOUS CIRCUMSTANCES
16 RESULTING IN DEATH OCCURRED IN THAT COUNTY MEDICAL EXAMINER'S
17 COUNTY.

18 (6) ~~(2) The~~ A COUNTY medical examiner PROCEEDING UNDER
19 SUBSECTION (2), (3), OR (4) may designate a person appointed pur-
20 suant to section 1a(2) to take charge of the body, make pertinent
21 inquiry, note the circumstances surrounding the death, and, if
22 considered necessary, cause the body to be transported to the
23 morgue for examination by the COUNTY medical examiner. The
24 COUNTY medical examiner shall maintain a list of persons
25 appointed pursuant to section 1a(2) and their qualifications.
26 ~~which~~ THE LIST shall be filed with the local law enforcement
27 agencies. ~~The~~ A person appointed pursuant to section 1a(2)

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

12 (7) ~~(3)~~ The county medical examiner may perform AN AUTOPSY
13 or direct AN AUTOPSY to be performed. ~~an autopsy and~~ THE
14 COUNTY MEDICAL EXAMINER shall carefully reduce or cause to be
15 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~~ NAME AND
18 ADDRESS OF EACH PERSON present at the autopsy, ~~which record he~~
19 ~~or she~~ AND shall subscribe THIS RECORD.

20 (8) ~~(4)~~ The COUNTY medical examiner shall ascertain the
21 identity of the deceased and notify immediately as compassion-
22 ately as possible the next of kin of the death and the location
23 of the body except that such notification is not required if a
24 person from the state police or a county ~~sheriff~~ SHERIFF'S
25 department or a township police department or a municipal police
26 department states to the COUNTY medical examiner that the
27 notification has already occurred. The county medical examiner

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

10 (9) ~~(5)~~ The county medical examiner or a deputy COUNTY
11 MEDICAL EXAMINER shall keep FOR A PERIOD OF 1 YEAR FROM THE DATE
12 OF THE AUTOPSY a written record of the efforts to locate and
13 notify the next of kin. ~~for a period of 1 year from the date of~~
14 ~~the autopsy.~~ The county medical examiner shall, after any
15 required examination or autopsy, promptly deliver or return the
16 body to relatives or representatives of the deceased. ~~or, if~~
17 IF there are no relatives or representatives known to the COUNTY
18 MEDICAL examiner, he or she may cause the body to be decently
19 buried. ~~, except that~~ IN EITHER CASE, the COUNTY medical
20 examiner may retain, as long as may be necessary, ~~any~~ A portion
21 of the body believed by the COUNTY medical examiner to be neces-
22 sary for the detection of ~~any~~ A crime.