



SENATE BILL No. 495

May 3, 1995, Introduced by Senator BOUCHARD and referred
to the Committee on Health Policy and Senior Citizens.

A bill to amend sections 2, 3, and 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 per-
sons under certain circumstances; to abolish the office of coro-
ner and to create the office of county medical examiner in cer-
tain counties; to prescribe the powers and duties of county medi-
cal examiners; to prescribe penalties for violations of the pro-
visions of this act; and to prescribe a referendum thereon,"

section 5 as amended by Act No. 401 of the Public Acts of 1980,
being sections 52.202, 52.203, and 52.205 of the Michigan
Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 2, 3, and 5 of Act No. 181 of the
2 Public Acts of 1953, section 5 as amended by Act No. 401 of the
3 Public Acts of 1980, being sections 52.202, 52.203, and 52.205 of
4 the Michigan Compiled Laws, are amended to read as follows:

1 Sec. 2. (1) ~~County~~ A COUNTY medical ~~examiners~~ EXAMINER
2 or deputy county medical ~~examiners~~ EXAMINER shall ~~make inves-~~
3 ~~tigations as to~~ INVESTIGATE the cause and manner of death in
4 ~~all~~ EACH OF THE FOLLOWING cases: ~~of~~ persons who have come to
5 their death by violence; or whose death was unexpected; or WHO
6 DIED without medical attendance during the 48 hours ~~prior to~~
7 IMMEDIATELY PRECEDING the hour of death, unless the attending
8 physician, if any, is able to determine accurately the cause of
9 death; or WHO DIED as the result of an abortion, whether
10 self-induced or otherwise; OR THE CASE OF A PERSON WHO HAS DIED
11 AT THE SCENE OF A FIRE.

12 (2) If ~~any~~ A prisoner in ~~any~~ A county or city jail dies
13 while ~~so~~ imprisoned, the county medical examiner, upon being
14 notified of the death of the prisoner, shall ~~make an examination~~
15 ~~upon~~ EXAMINE the body of the deceased prisoner.

16 Sec. 3. ~~Any physician and any~~ A PHYSICIAN, A person in
17 charge of ~~any~~ A hospital or institution, or ~~any~~ A person who
18 ~~shall have~~ HAS first knowledge of the death of ~~any~~ A person
19 who ~~shall have~~ died suddenly, unexpectedly, accidentally, vio-
20 lently, ~~or~~ as the result of ~~any~~ suspicious circumstances, AT
21 THE SCENE OF A FIRE, or without medical attendance during the 48
22 hours ~~prior to~~ IMMEDIATELY PRECEDING the hour of death, unless
23 the attending physician, if any, is able to determine accurately
24 the cause of death, or in any case of death due to what is com-
25 monly known as an abortion, whether self-induced or otherwise,
26 shall notify the county medical examiner or his OR HER deputy
27 immediately of the death.

1 Sec. 5. (1) ~~When~~ IF a county medical examiner has notice
2 that ~~there has been found within his or her county or district~~
3 the body of a person who ~~is supposed to have come to his or her~~
4 ~~death~~ MAY HAVE DIED in a manner ~~as indicated~~ DESCRIBED in sec-
5 tion 3 HAS BEEN FOUND WITHIN THE MEDICAL EXAMINER'S GEOGRAPHICAL
6 JURISDICTION, the COUNTY medical examiner shall take charge of
7 the body. ~~, and if, on view of~~ SUBJECT TO SUBSECTION (3), IF
8 AFTER EXAMINING the body and ~~personal inquiry into~~
9 INVESTIGATING the cause and manner of the death ~~, the~~ COUNTY
10 medical examiner considers a further examination necessary, ~~the~~
11 ~~county medical examiner or a~~ HE OR SHE OR HIS OR HER deputy may
12 cause the dead body to be removed to the public morgue. If the
13 investigation is SOLELY for the reason ~~only~~ that the dead
14 person had no medical attendance during 48 hours before the hour
15 of death, and if the dead person had chosen not to have medical
16 attendance because of his or her bona fide held religious convic-
17 tions, removal ~~shall~~ IS not ~~be~~ required unless there is evi-
18 dence of other conditions ~~stipulated~~ DESCRIBED in section 3.
19 If there is no public morgue, ~~then~~ the body may be removed to a
20 private morgue ~~as~~ DESIGNATED BY the county medical examiner.
21 ~~has designated.~~

22 (2) The COUNTY medical examiner may designate a person
23 appointed pursuant to section 1a(2) to take charge of the body,
24 make pertinent inquiry, note the circumstances surrounding the
25 death, and, if considered necessary, cause the body to be trans-
26 ported to the morgue for examination by the COUNTY medical
27 examiner. The COUNTY medical examiner shall maintain a list of

1 persons appointed pursuant to section 1a(2) and their
2 qualifications which shall be filed with the local law enforce-
3 ment agencies. The person appointed pursuant to section 1a(2)
4 shall not be an agent or employee of ~~any~~ A person or funeral
5 establishment licensed under ~~Act No. 268 of the Public Acts of~~
6 ~~1949, as amended, being sections 338.861 to 338.875~~ THE OCCUPA-
7 TIONAL CODE, ACT NO. 299 OF THE PUBLIC ACTS OF 1980, BEING
8 SECTIONS 339.101 TO 339.2721 of the Michigan Compiled Laws,
9 receive, directly or indirectly, ~~any~~ remuneration in connection
10 with the disposition of the body or make any funeral or burial
11 arrangements without approval of the next of kin, if ~~they are~~
12 ~~found~~ KNOWN, or the person responsible for the funeral
13 expenses.

14 (3) The county medical examiner OR HIS OR HER DESIGNEE SHALL
15 PERFORM AN AUTOPSY UPON THE BODY OF A PERSON WHO DIED AT THE
16 SCENE OF A FIRE. THE COUNTY MEDICAL EXAMINER may perform or
17 direct to be performed ~~an autopsy and~~ ANY OTHER AUTOPSY. A
18 PERSON PERFORMING AN AUTOPSY UNDER THIS ACT shall carefully
19 reduce or cause to be reduced to writing every fact and circum-
20 stance tending to show the condition of the body and the cause
21 and manner of death, ~~together with~~ AND INCLUDE IN THAT WRITING
22 the names and addresses of ~~any~~ ALL persons present at the
23 autopsy. ~~which record he or she shall subscribe.~~ THE PERSON
24 PERFORMING THE AUTOPSY SHALL SUBSCRIBE THE WRITING DESCRIBED IN
25 THIS SUBSECTION.

26 (4) ~~The~~ EXCEPT AS PROVIDED IN SUBSECTION (5), THE COUNTY
27 medical examiner shall ascertain the identity of the deceased and

1 ~~notify~~ immediately AND as compassionately as possible NOTIFY
2 the next of kin of the DECEDENT'S death and the location of the
3 body. ~~except that such~~

4 (5) THE notification DESCRIBED IN SUBSECTION (4) is not
5 required if a person from the state police or a county sheriff
6 department or a township police department or a municipal police
7 department states to the COUNTY medical examiner that the notifi-
8 cation has already occurred. The county medical examiner may
9 conduct an autopsy if he or she determines that an autopsy rea-
10 sonably appears to be required pursuant to law. After the county
11 medical examiner or a deputy or a person from the state police or
12 a county sheriff department or a township police department or a
13 municipal police department has made diligent effort to locate
14 and notify the next of kin, ~~he or she~~ THE COUNTY MEDICAL
15 EXAMINER may order and conduct the autopsy with or without the
16 consent of the next of kin of the deceased.

17 (6) ~~(5)~~ The county medical examiner or ~~a~~ HIS OR HER
18 deputy shall keep a written record of the efforts to locate and
19 notify the next of kin for a period of 1 year from the date of
20 the autopsy. ~~The county medical examiner shall, after any~~
21 AFTER A required examination or autopsy, THE COUNTY MEDICAL
22 EXAMINER SHALL promptly deliver or return the body to relatives
23 or representatives of the deceased. ~~or, if~~ IF there are no
24 relatives or representatives OF THE DECEASED known to the COUNTY
25 MEDICAL examiner, he or she may cause the body to be ~~decently~~
26 buried ~~, except that the medical examiner~~ PURSUANT TO LAW, BUT
27 may retain, as long as ~~may be~~ HE OR SHE DETERMINES necessary,

1 ~~any~~ A portion of the body believed by the COUNTY medical
2 examiner to be necessary for the detection of ~~any~~ A crime.