



January 28, 2005

SENATE BILL No. 65

DIGEST OF SB 65 (Updated January 26, 2005 11:36 am - DI ta)

Citations Affected: IC 36-2.

Synopsis: Notifying coroner. Requires the administrator of a health facility to report the death of a resident to the coroner.

Effective: July 1, 2005.

Zakas

January 4, 2005, read first time and referred to Committee on Rules and Legislative Procedure.
January 27, 2005, amended; reassigned to Committee on Health and Provider Services.

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SB 65—LS 6184/DI 13+



January 28, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

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SENATE BILL No. 65



A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 36-2-14-6 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) Whenever the
 3 coroner is notified that a person in the county:
 4 (1) has died from violence;
 5 (2) has died by casualty;
 6 (3) has died when apparently in good health;
 7 (4) has died in an apparently suspicious, unusual, or unnatural
 8 manner; or
 9 (5) has been found dead;
 10 ~~he~~ **the coroner** shall, before the scene of the death is disturbed, notify
 11 a law enforcement agency having jurisdiction in that area. The agency
 12 shall assist the coroner in conducting an investigation of how the
 13 person died and a medical investigation of the cause of death.
 14 (b) The coroner shall file with the person in charge of interment a
 15 coroner's certificate of death within seventy-two (72) hours after being
 16 notified of the death. If the cause of death is not established with
 17 reasonable certainty within seventy-two (72) hours, the coroner shall

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1 file with the person in charge of interment a coroner's certificate of
2 death, with the cause of death designated as "deferred pending further
3 action". As soon as ~~he~~ **the coroner** determines the cause of death, the
4 coroner shall file a supplemental report indicating ~~his~~ **the coroner's**
5 exact findings with the local health officer having jurisdiction, who
6 shall make it part of ~~his~~ **the coroner's** official records.

7 (c) If this section applies, the body and the scene of death may not
8 be disturbed until the coroner has photographed them in the manner
9 that most fully discloses how the person died. However, a coroner or
10 law enforcement officer may order a body to be moved before
11 photographs are taken if the position or location of the body unduly
12 interferes with activities carried on where the body is found, but the
13 body may not be moved from the immediate area and must be moved
14 without substantially destroying or altering the evidence present.

15 (d) When acting under this section **or section 6.5 of this chapter**,
16 if the coroner considers it necessary to have an autopsy performed, is
17 required to perform an autopsy under subsection (f), or is requested by
18 the prosecuting attorney of the county to perform an autopsy, the
19 coroner shall employ a physician:

- 20 (1) certified by the American Board of Pathology; or
 - 21 (2) holding an unlimited license to practice medicine in Indiana
 - 22 and acting under the direction of a physician certified by the
 - 23 American Board of Pathology;
- 24 to perform the autopsy. The physician performing the autopsy shall be
25 paid a fee of at least fifty dollars (\$50) from the county treasury. A
26 coroner may employ the services of the medical examiner system,
27 provided for in IC 4-23-6-6, when an autopsy is required, as long as
28 this subsection is met.

- 29 (e) If:
- 30 (1) at the request of:
- 31 (A) the decedent's spouse;
- 32 (B) a child of the decedent, if the decedent does not have a
- 33 spouse;
- 34 (C) a parent of the decedent, if the decedent does not have a
- 35 spouse or children;
- 36 (D) a brother or sister of the decedent, if the decedent does not
- 37 have a spouse, children, or parents; or
- 38 (E) a grandparent of the decedent, if the decedent does not
- 39 have a spouse, children, parents, brothers, or sisters;
- 40 (2) in any death, where two (2) or more witnesses who
- 41 corroborate the circumstances surrounding death are present; and
- 42 (3) two (2) physicians who are licensed to practice medicine in

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1 the state and who have made separate examinations of the
 2 decedent certify the same cause of death in an affidavit within
 3 twenty-four (24) hours after death;
 4 an autopsy need not be performed. The affidavits shall be filed with the
 5 circuit court clerk.

6 (f) A county coroner may not certify the cause of death in the case
 7 of the sudden and unexpected death of a child who is at least one (1)
 8 week old and not more than three (3) years old unless an autopsy is
 9 performed at county expense. However, a coroner may certify the cause
 10 of death of a child described in this subsection without the performance
 11 of an autopsy if subsection (e) applies to the death of the child.

12 SECTION 2. IC 36-2-14-6.5 IS ADDED TO THE INDIANA CODE
 13 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 14 1, 2005]: **Sec 6.5. (a) If a person dies while a resident of a health
 15 facility licensed under IC 16-28, the administrator of the health
 16 facility shall immediately report the death to the coroner in the
 17 county where the health facility is located.**

18 **(b) The coroner may investigate a death reported under this
 19 section.**

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SENATE MOTION

Madam President: I move that Senator Garton be removed as author of Senate Bill 65 and that Senator Zakas be substituted therefor.

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COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 65, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Health and Provider Services.

(Reference is to SB 65 as introduced.)

GARTON, Chairperson

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