

# COMMITTEE REPORT

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## 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:

- 1 Delete the title and insert the following:  
2 A BILL FOR AN ACT to amend the Indiana Code concerning  
3 local government.  
4 Delete everything after the enacting clause and insert the  
5 following:  
6 SECTION 1. IC 36-2-14-6 IS AMENDED TO READ AS  
7 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) Whenever the  
8 coroner is notified that a person in the county:  
9 (1) has died from violence;  
10 (2) has died by casualty;  
11 (3) has died when apparently in good health;  
12 (4) has died in an apparently suspicious, unusual, or unnatural  
13 manner; or  
14 (5) has been found dead;  
15 ~~he~~ **the coroner** shall, before the scene of the death is disturbed, notify  
16 a law enforcement agency having jurisdiction in that area. The agency  
17 shall assist the coroner in conducting an investigation of how the person  
18 died and a medical investigation of the cause of death.  
19 (b) The coroner shall file with the person in charge of interment a  
20 coroner's certificate of death within seventy-two (72) hours after being  
21 notified of the death. If the cause of death is not established with  
22 reasonable certainty within seventy-two (72) hours, the coroner shall  
23 file with the person in charge of interment a coroner's certificate of  
24 death, with the cause of death designated as "deferred pending further  
25 action". As soon as ~~he~~ **the coroner** determines the cause of death, the  
26 coroner shall file a supplemental report indicating ~~his~~ **the coroner's**

1 exact findings with the local health officer having jurisdiction, who  
2 shall make it part of ~~his~~ **the coroner's** official records.

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

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

16 (1) certified by the American Board of Pathology; or

17 (2) holding an unlimited license to practice medicine in Indiana  
18 and acting under the direction of a physician certified by the  
19 American Board of Pathology;

20 to perform the autopsy. The physician performing the autopsy shall be  
21 paid a fee of at least fifty dollars (\$50) from the county treasury. A  
22 coroner may employ the services of the medical examiner system,  
23 provided for in IC 4-23-6-6, when an autopsy is required, as long as  
24 this subsection is met.

25 (e) If:

26 (1) at the request of:

27 (A) the decedent's spouse;

28 (B) a child of the decedent, if the decedent does not have a  
29 spouse;

30 (C) a parent of the decedent, if the decedent does not have  
31 a spouse or children;

32 (D) a brother or sister of the decedent, if the decedent does  
33 not have a spouse, children, or parents; or

34 (E) a grandparent of the decedent, if the decedent does not  
35 have a spouse, children, parents, brothers, or sisters;

36 (2) in any death, where two (2) or more witnesses who  
37 corroborate the circumstances surrounding death are present; and

38 (3) two (2) physicians who are licensed to practice medicine in  
39 the state and who have made separate examinations of the  
40 decedent certify the same cause of death in an affidavit within  
41 twenty-four (24) hours after death;

42 an autopsy need not be performed. The affidavits shall be filed with the  
43 circuit court clerk.

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

50 SECTION 2. IC 36-2-14-6.5 IS ADDED TO THE INDIANA  
51 CODE AS A **NEW** SECTION TO READ AS FOLLOWS

1 [EFFECTIVE JULY 1, 2005]: **Sec 6.5. (a) If a person dies while a**  
2 **resident of a health facility licensed under IC 16-28, the**  
3 **administrator of the health facility shall immediately report the**  
4 **death to the coroner in the county where the health facility is**  
5 **located.**

6 (b) **The coroner may investigate a death reported under this**  
7 **section.**

(Reference is to SB 65 as introduced.)

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

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GARTON Chairperson