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FISCAL IMPACT STATEMENT

LS 6078
BILL NUMBER: SB 191

NOTE PREPARED: Apr 6, 2007
BILL AMENDED: Apr 5, 2007

SUBJECT: Coroner Issues.

FIRST AUTHOR: Sen. Miller
FIRST SPONSOR: Rep. Tincher

BILL STATUS: 2nd Reading - 2nd House

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill prohibits disturbing a body, any evidence, and the scene of death until the coroner has photographed the body and law enforcement and the coroner have finished their investigation.

The bill requires the coroner to positively identify a dead person by one of four specified methods.

It also requires the Coroners Training Board (Board), in consultation with Indiana Law Enforcement Academy, to create and offer an introductory training course and an annual training course for coroners and deputy coroners. The bill provides that the courses must include instruction regarding death investigation, crime scenes, and preservation of evidence at a crime scene for police and crime lab technicians. It requires the Board to consult with a pathologist in creating the training courses.

This bill also requires each coroner and each deputy coroner to successfully complete: (1) the introductory training course; and (2) an annual training course. The bill further provides that a coroner's or deputy coroner's paycheck may be withheld for failing to successfully complete the introductory training course or the annual training course.

It also provides that a coroner's paycheck may be withheld for failing to release a written report or full autopsy report. The bill also requires specified autopsy reports to be released to certain entities. The bill requires specified information concerning autopsy reports to be completed and available within a specified time frame. It allows a prosecuting attorney to petition a court to prohibit a coroner from releasing specified information if the release of the information would create a significant risk of harm to the criminal investigation of the death.

The bill provides that five members of the Dr. Martin Luther King Jr. Indiana Holiday Commission constitute a quorum. It also provides that staff support for the Commission may not make any decisions on behalf of the Commission.

(The introduced version of this bill was prepared by the Interim Committee on Criminal Justice Matters.)

Effective Date: July 1, 2007.

Explanation of State Expenditures: (Revised) *Dr. Martin Luther King, Jr. Holiday Commission:* The bill changes the quorum requirements of the 14-member Dr. Martin Luther King, Jr. Holiday Commission from 8 to 5 members. It further provides that the Civil Rights Commission staff that provides administrative support to the Dr. Martin Luther King, Jr. Indiana Holiday Commission may make no decisions on behalf of the Commission. These provisions should have no fiscal impact.

Coroner's Provisions: This bill could increase state and local expenditures due to the limitations on persons eligible to positively identify a dead person. The bill also requires the Coroner's Training Board to create an introductory training course for coroners and deputy coroners. This requirement should have no fiscal impact since the course has already been created by the Coroner's Training Board (CTB).

Identification Requirements: Any additional DNA testing cost that may result from a limitation on the persons eligible to identify a dead person would be assumed by the Indiana State Police Laboratory. In 2005, the State Police reported a cost of \$35 per blood sample submitted for commercial lab analysis with additional costs incurred in instances of positive matches. (At least two samples would be needed in these circumstances.) The status of the case backlog in the State Police laboratory and the cost of tests that might involve the extraction of DNA from other material such as hair are unknown at this time. (See *Explanation of Local Expenditures* below.)

Training Requirements: The bill would require all elected coroners to complete the same training requirements as deputy coroners and provides for one year to complete the initial 40-hour classroom training requirement. Coroners and deputy coroners are further required to complete 8 hours of continuing education each year. Failure to complete either requirement would allow the county to withhold the paycheck of a coroner or deputy coroner until the training requirements are met. Currently, deputy coroners failing to meet the training requirements are subject to dismissal.

Background Information - Introductory Training Course: The Coroner's Training Board has developed a Medicolegal Death Investigator Certification program for Indiana that requires 40 classroom hours, completion of an externship, and a passing grade on a written exam. The certification course is based on guidelines developed in 1999 by the U.S. Department of Justice called "Death Investigation: A guide for the Scene Investigator". The Indiana course includes a specific module on Indiana law. The externship requires assistance at an autopsy with a forensic pathologist and the completion of four different death investigation reports.

Background Information - Current Training Requirements: All deputy coroners are currently required to complete the 40-hour classroom course requirement within one year of employment. The externship and a passing score on the examination are required to be completed within one year from the completion of the classroom work. Any person not completing these requirements is prohibited from acting as a deputy coroner. By rule, certified deputy coroners are also required to complete 16 hours of CTB-offered or -approved continuing education courses in a two-year period.

Explanation of State Revenues: *Background Information:* If a local health department makes a charge for a certificate of death, a \$1 Coroner's Continuing Education Fee must be added to the established rate. The collected fees are transferred semiannually to the Treasurer of State for distribution to the nonreverting Coroner's Training and Continuing Education Fund. Revenues and Expenses for the Fund are shown below.

FY	Revenue	Expense
2002	\$330,472	\$430,982
2003	\$304,637	\$434,959
2004	\$459,808	\$445,352
2005	\$353,624	\$441,417
2006	\$403,943	\$434,119

Explanation of Local Expenditures: This bill could increase local expenditures due to the limitation on persons eligible to positively identify a dead person.

Identification Requirements: This bill specifies that only immediate family members over the age of 18 years may positively identify a dead person. Immediate family member is further defined to be the deceased person's spouse, child, parent, grandparent, or sibling.

Background Information - Positive Identification of Dead Persons: According to Indiana statute, coroners investigate the cause of death in cases where a person has died from violence, casualty, or in a suspicious, unusual, or unnatural manner. Coroners also investigate cases in which a person has died when in apparently good health, or has been found dead. The vast majority of coroners' investigations involve natural deaths, including situations in which there is no attending physician to sign the death certificate. The Coroner's Association further reports that the majority of coroner's cases are identified visually with additional steps taken if someone disputes the visual identification.

To the extent that the geographic dispersion of nuclear families and formation of nontraditional households and families limits the availability of a specified immediate family member and forces a coroner's office to use more costly and time-consuming methods to positively identify a dead person, there may be additional costs. The Coroner's Association reported that low-cost, fingerprint identification has limitations due to the fact that up to 95% of the general population are not included in the fingerprint data base. Most entries in these data bases are due to requirements for job applications, criminal records, or service in the armed forces.

Positive identification by DNA analysis is more time-consuming and expensive than the use of fingerprints, while the available data bases have more limitations. Under Indiana statute, convicted felons and sex offenders are required to provide DNA samples; the vast majority of individuals are not included in current DNA data bases. A presumptive identification of an individual, and uncontaminated DNA from the dead person's known environment or an immediate family member would be necessary to make a positive identification. The cost of DNA testing would be assumed by the Indiana State Police Laboratory. In 2005, the State Police reported a cost of \$35 per blood sample submitted for commercial lab analysis with additional costs incurred in instances of positive matches. (At least two samples would be needed in these circumstances.) The status of the case backlog in the State Police laboratory is unknown at this time, as is

the cost of tests that might involve the extraction of DNA from other material such as hair.

Positive identification through the use of dental records requires a presumptive identification and that the dead person received dental care and that the dentist that provided the care is also known. Identification through the use of dental records potentially requires copying charges for existing films and the cost of x-rays of the dead person for comparison. The Coroner's Association reported that additional costs could range from \$200 to \$800 per case for these cases.

Reporting Requirements: The bill also provides that a county may withhold a coroner's paycheck for failing to release a written report or full autopsy report. The reports affected by this provision include: (1) a written report that is to be prepared with an accurate physical description of the deceased, the individual's name if determined, and the amount of money and other property found with the body, and (2) full copies of written autopsy reports that are required to be provided on request to the directors of state agencies in circumstances involving a death in a state-operated institution. The bill provides a procedure for prosecuting attorneys to petition a court for an order prohibiting a coroner from disclosing information in the reports in instances of criminal investigations of the death. The bill also specifies that full autopsy reports shall be made available to the Department of Child Services, the Statewide Child Fatality Review Team, or a local child fatality review team for the purposes of conducting a review or investigation of the circumstances surrounding the death of a child.

Explanation of Local Revenues:

State Agencies Affected: Indiana State Coroners Training Board; Indiana Law Enforcement Academy.

Local Agencies Affected: County coroners; County executives or a city-county council; County auditors.

Information Sources: Lisa Barker, Executive Director, Coroner's Training Board; Rick Dowden, MD, President, Indiana Coroner's Association; 207 IAC 1 & 2; *Death Investigation: A Guide for the Scene Investigator*, National Institute of Justice, U.S. Department of Justice.

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