
SENATE BILL No. 191

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-23-6.5; IC 36-2-14.

Synopsis: Coroner issues. 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. Requires the coroner to positively identify a dead person by one of four specified methods. Requires the Indiana law enforcement academy (academy) to create and offer an introductory training course and an annual training course for coroners and deputy coroners. 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. Requires the academy to consult with the coroners training board and a pathologist in creating the training courses. Requires each coroner and each deputy coroner to successfully complete: (1) the introductory training course; and (2) the annual training course. Provides that a coroner's or deputy coroner's paycheck shall be withheld for failing to successfully complete the introductory training course or the annual training course. Provides that a coroner's paycheck shall be withheld for failing to release a written report or full autopsy report. (The introduced version of this bill was prepared by the interim committee on criminal justice matters.)

Effective: July 1, 2007.

Miller

January 23, 2007, read first time and referred to Committee on Health and Provider Services.

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First Regular Session 115th General Assembly (2007)

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 2006 Regular Session of the General Assembly.

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SENATE BILL No. 191

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 4-23-6.5-7 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. The board shall
3 adopt rules under IC 4-22-2 for the following:

- 4 (1) Standards for continuing education and training for county
5 coroners, **including education and training requirements set
6 forth in IC 36-2-14.**
- 7 (2) Mandatory training and continuing education requirements for
8 deputy coroners, **including education and training
9 requirements set forth in IC 36-2-14.**
- 10 (3) Minimum requirements for continuing education instructors
11 approved by the board.
- 12 (4) The necessary administration of this chapter.

13 SECTION 2. IC 4-23-6.5-10 IS ADDED TO THE INDIANA CODE
14 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
15 1, 2007]: **Sec. 10. The board shall consult with the Indiana law
16 enforcement academy under IC 36-2-14-22(c)(1) concerning
17 criminal investigations in the creation of:**



- 1 **(1) the training course for coroners and deputy coroners**
- 2 **under IC 36-2-14-22(a); and**
- 3 **(2) the annual training course for coroners and deputy**
- 4 **coroners under IC 36-2-14-22(b).**

5 SECTION 3. IC 36-2-14-6 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) Whenever the
 7 coroner is notified that a person in the county:

- 8 (1) has died from violence;
- 9 (2) has died by casualty;
- 10 (3) has died when apparently in good health;
- 11 (4) has died in an apparently suspicious, unusual, or unnatural
- 12 manner; or
- 13 (5) has been found dead;

14 ~~he~~ **the coroner** shall, before the scene of the death is disturbed, notify
 15 a law enforcement agency having jurisdiction in that area. The agency
 16 shall assist the coroner in conducting an investigation of how the
 17 person died and a medical investigation of the cause of death.

18 (b) The coroner shall file with the person in charge of interment a
 19 coroner's certificate of death within seventy-two (72) hours after being
 20 notified of the death. If the cause of death is not established with
 21 reasonable certainty within seventy-two (72) hours, the coroner shall
 22 file with the person in charge of interment a coroner's certificate of
 23 death, with the cause of death designated as "deferred pending further
 24 action". As soon as ~~he~~ **the coroner** determines the cause of death, the
 25 coroner shall file a supplemental report indicating ~~his~~ **the exact**
 26 findings with the local health officer having jurisdiction, who shall
 27 make it part of ~~his~~ **the health officer's** official records.

28 (c) If this section applies, the body, **any evidence**, and the scene of
 29 death may not be disturbed until:

- 30 **(1) the coroner has photographed them in the manner that most**
- 31 **fully discloses how the person died; and**
- 32 **(2) law enforcement and the coroner have finished their**
- 33 **investigation of the scene of death.**

34 However, a coroner or law enforcement officer may order a body to be
 35 moved before photographs are taken if the position or location of the
 36 body unduly interferes with activities carried on where the body is
 37 found, but the body may not be moved from the immediate area and
 38 must be moved without substantially destroying or altering the
 39 evidence present.

40 (d) When acting under this section, if the coroner considers it
 41 necessary to have an autopsy performed, is required to perform an
 42 autopsy under subsection (f), or is requested by the prosecuting

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1 attorney of the county to perform an autopsy, the coroner shall employ
2 a physician:

- 3 (1) certified by the American Board of Pathology; or
- 4 (2) holding an unlimited license to practice medicine in Indiana
5 and acting under the direction of a physician certified by the
6 American Board of Pathology;

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

12 (e) If:

- 13 (1) at the request of:
 - 14 (A) the decedent's spouse;
 - 15 (B) a child of the decedent, if the decedent does not have a
16 spouse;
 - 17 (C) a parent of the decedent, if the decedent does not have a
18 spouse or children;
 - 19 (D) a brother or sister of the decedent, if the decedent does not
20 have a spouse, children, or parents; or
 - 21 (E) a grandparent of the decedent, if the decedent does not
22 have a spouse, children, parents, brothers, or sisters;
- 23 (2) in any death where two (2) or more witnesses who corroborate
24 the circumstances surrounding death are present; and
- 25 (3) two (2) physicians who are licensed to practice medicine in
26 the state and who have made separate examinations of the
27 decedent certify the same cause of death in an affidavit within
28 twenty-four (24) hours after death;

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

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

37 SECTION 4. IC 36-2-14-6.5 IS ADDED TO THE INDIANA CODE
38 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
39 1, 2007]: **Sec. 6.5. (a) As used in this section, "DNA analysis" means
40 an identification process in which the unique genetic code of an
41 individual that is carried by the individual's deoxyribonucleic acid
42 (DNA) is compared to genetic codes carried in DNA found in bodily**

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substance samples obtained by a law enforcement agency in the exercise of the law enforcement agency's investigative function.

(b) As used in this section, "immediate family member" means, with respect to a particular dead person, an individual who is at least eighteen (18) years of age and who is one (1) of the following:

- (1) The dead person's spouse.
- (2) The dead person's child.
- (3) The dead person's parent.
- (4) The dead person's grandparent.
- (5) The dead person's sibling.

(c) The coroner shall make a positive identification of a dead person unless extraordinary circumstances described in subsection (d) exist. In making a positive identification, the coroner shall determine the identity of a dead person by one (1) of the following methods:

- (1) Fingerprint identification.
- (2) DNA analysis.
- (3) Dental record analysis.
- (4) Positive identification by at least one (1) of the dead person's immediate family members if the dead person's body is in a physical condition that would allow for the dead person to be reasonably recognized.

(d) For the purposes of subsection (c), extraordinary circumstances exist if, after a thorough investigation, the coroner determines that identification of the dead person is not possible under any of the four (4) methods described in subsection (c).

SECTION 5. IC 36-2-14-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 22. (a) The Indiana law enforcement academy, under the direction of the executive director appointed under IC 5-2-1-14, shall create and offer a training course for coroners and deputy coroners. The training course must include:

- (1) at least forty (40) hours of instruction; and
- (2) instruction regarding:
 - (A) death investigation;
 - (B) crime scenes; and
 - (C) preservation of evidence at a crime scene for police and crime lab technicians.

(b) The Indiana law enforcement academy shall create and offer an annual training course for coroners and deputy coroners. The annual training course must:

- (1) include at least eight (8) hours of instruction; and

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1 **(2) cover recent developments in:**
 2 **(A) death investigation;**
 3 **(B) crime scenes; and**
 4 **(C) preservation of evidence at a crime scene for police and**
 5 **crime lab technicians.**
 6 **(c) In creating the courses under subsections (a) and (b), the**
 7 **Indiana law enforcement academy shall consult with:**
 8 **(1) the coroners training board established by IC 4-23-6.5-3**
 9 **regarding the creation of the training courses; and**
 10 **(2) a pathologist certified by the American Board of**
 11 **Pathology regarding medical issues that are a part of the**
 12 **training courses.**
 13 **(d) All training in the courses offered under subsections (a) and**
 14 **(b) that involves medical issues must be provided by a pathologist**
 15 **certified by the American Board of Pathology.**
 16 **(e) All training in the courses offered under subsections (a) and**
 17 **(b) that involves crime scenes and evidence preservation must be**
 18 **provided by a law enforcement officer.**
 19 SECTION 6. IC 36-2-14-23 IS ADDED TO THE INDIANA CODE
 20 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 21 1, 2007]: **Sec. 23. (a) Each coroner shall successfully complete the**
 22 **training course offered under section 22(a) of this chapter within**
 23 **six (6) months after taking office.**
 24 **(b) Each deputy coroner shall successfully complete the training**
 25 **course offered under section 22(a) of this chapter within six (6)**
 26 **months after beginning employment with a coroner's office.**
 27 **(c) Each coroner and each deputy coroner shall successfully**
 28 **complete the annual training course offered under section 22(b) of**
 29 **this chapter each year.**
 30 **(d) After a coroner or deputy coroner has:**
 31 **(1) successfully completed the training course as required**
 32 **under subsection (a) or (b); and**
 33 **(2) successfully completed the annual training course as**
 34 **required under subsection (c);**
 35 **the coroner or deputy coroner shall present a certificate or other**
 36 **evidence to the county executive, or in the case of a county that**
 37 **contains a consolidated city, the city-county council, that the**
 38 **coroner or deputy coroner has successfully completed the training**
 39 **required under subsection (a), (b), or (c).**
 40 **(e) If a coroner or deputy coroner does not present a certificate**
 41 **or other evidence to the county executive, or in the case of a county**
 42 **that contains a consolidated city, the city-county council, that the**

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1 coroner or deputy coroner has successfully completed the training
2 required under subsection (a), (b), or (c), the county executive or
3 city-county council shall order the auditor to withhold the
4 paycheck of the coroner or deputy coroner until the coroner or
5 deputy coroner satisfies the respective training requirements under
6 subsections (a), (b), and (c).

7 (f) If the county executive or city-county council orders a
8 auditor to withhold a paycheck under subsection (e) and a coroner
9 or deputy coroner later presents a certificate or other evidence to
10 the county executive or city-county council that the coroner or
11 deputy coroner has successfully completed training required under
12 subsection (a), (b), or (c), the county executive or city-county
13 council shall order the auditor to release all of the coroner's or
14 deputy coroner's paychecks that were withheld from the coroner
15 or deputy coroner.

16 SECTION 7. IC 36-2-14-24 IS ADDED TO THE INDIANA CODE
17 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
18 1, 2007]: Sec. 24. (a) Except as provided in subsection (b), if a
19 coroner does not release:

- 20 (1) a written report required under section 10 of this chapter;
- 21 or
- 22 (2) a full copy of an autopsy report required under section 18
- 23 of this chapter;

24 as required by law, the county executive, or in the case of a county
25 containing a consolidated city, the city-county council, shall order
26 the auditor to withhold the paycheck of the coroner until the
27 coroner properly releases the written report or full autopsy report.

28 (b) A county auditor may not withhold the paycheck of a
29 coroner if a coroner is legally prohibited from releasing a written
30 report or from releasing a full autopsy report. However, a coroner
31 is required to release a written report or full autopsy report as
32 soon as possible after the legal prohibition on releasing the written
33 report or full autopsy report ceases to exist.

34 (c) If the county executive or city-county council orders an
35 auditor to withhold a paycheck under subsection (a) and a coroner
36 properly releases the written report or full autopsy report, the
37 county executive or city-county council shall order the auditor to
38 release all of the coroner's paychecks that were withheld from the
39 coroner.

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