

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Engrossed House Bill 1503 be amended to read as follows:

- 1           Page 2, between lines 11 and 12, begin a new paragraph and insert:
- 2           "SECTION 2. IC 16-37-1-9 IS AMENDED TO READ AS
- 3           FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) A local health
- 4           department may make a charge under IC 16-20-1-27 for each certificate
- 5           of birth, death, or stillbirth registration.
- 6           (b) If the local department of health makes a charge for a certificate
- 7           of death under subsection (a), ~~a one dollar (\$1)~~ **the** coroners continuing
- 8           education fee **described in subsection (d)** must be added to the rate
- 9           established under IC 16-20-1-27. The local department of health shall
- 10          deposit any coroners continuing education fees with the county auditor
- 11          within thirty (30) days after collection. The county auditor shall
- 12          transfer semiannually any coroners continuing education fees to the
- 13          treasurer of state.
- 14          (c) Notwithstanding IC 16-20-1-27, a charge may not be made for
- 15          furnishing a certificate of birth, death, or stillbirth registration to a
- 16          person or to a member of the family of a person who needs the
- 17          certificate for one (1) of the following purposes:
- 18                (1) To establish the person's age or the dependency of a member
- 19                of the person's family in connection with:
- 20                      (A) the person's service in the armed forces of the United
- 21                      States; or
- 22                      (B) a death pension or disability pension of a person who is
- 23                      serving or has served in the armed forces of the United States.
- 24                (2) To establish or to verify the age of a child in school who
- 25                desires to secure a work permit.
- 26          **(d) The coroners continuing education fee is:**
- 27                **(1) one dollar and seventy-five cents (\$1.75) after June 30,**
- 28                **2007, and before July 1, 2013;**
- 29                **(2) two dollars (\$2) after June 30, 2013, and before July 1,**
- 30                **2018;**
- 31                **(3) two dollars and twenty-five cents (\$2.25) after June 30,**

- 1           **2018, and before July 1, 2023;**
- 2           **(4) two dollars and fifty cents (\$2.50) after June 30, 2023, and**
- 3           **before July 1, 2028;**
- 4           **(5) two dollars and seventy-five cents (\$2.75) after June 30,**
- 5           **2028, and before July 1, 2033;**
- 6           **(6) three dollars (\$3) after June 30, 2033, and before July 1,**
- 7           **2038;**
- 8           **(7) three dollars and twenty-cents (\$3.25) after June 30, 2038,**
- 9           **and before July 1, 2043; and**
- 10          **(8) three dollars and fifty cents (\$3.50) after June 30, 2043."**
- 11          Page 3, line 8, delete "IC 16-35-7-4." and insert "IC 16-35-7-3."
- 12          Page 3, line 15, delete "6.7(a)" and insert "6.7(b)".
- 13          Page 3, line 16, delete "6.7(f)" and insert "6.7(e)".
- 14          Page 3, line 16, delete "6.7(g)" and insert "6.7(f)".
- 15          Page 3, between lines 17 and 18, begin a new paragraph and insert:
- 16          "SECTION 7. IC 36-2-14-6 IS AMENDED TO READ AS
- 17          FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) Whenever the
- 18          coroner is notified that a person in the county:
- 19                 (1) has died from violence;
- 20                 (2) has died by casualty;
- 21                 (3) has died when apparently in good health;
- 22                 (4) has died in an apparently suspicious, unusual, or unnatural
- 23                 manner; or
- 24                 (5) has been found dead;
- 25          **he the coroner** shall, before the scene of the death is disturbed, notify
- 26          a law enforcement agency having jurisdiction in that area. The agency
- 27          shall assist the coroner in conducting an investigation of how the
- 28          person died and a medical investigation of the cause of death.
- 29          (b) The coroner:
- 30                 (1) shall file with the person in charge of interment a coroner's
- 31                 certificate of death within seventy-two (72) hours after being
- 32                 notified of the death. If the cause of death is not established with
- 33                 reasonable certainty within seventy-two (72) hours, the coroner
- 34                 shall file with the person in charge of interment a coroner's
- 35                 certificate of death, with the cause of death designated as
- 36                 "deferred pending further action". As soon as he determines the
- 37                 cause of death, the coroner shall file a supplemental report
- 38                 indicating his exact findings with the local health officer having
- 39                 jurisdiction, who shall make it part of his official records: a
- 40                 **certificate of death with the county health department or, if**
- 41                 **applicable, a multiple county health department, of the county**
- 42                 **in which the individual died, within seventy-two (72) hours**
- 43                 **after the completion of the death investigation;**
- 44                 **(2) shall complete the certificate of death utilizing all**
- 45                 **verifiable information establishing the time and date of death;**
- 46                 **and**
- 47                 **(3) may file a pending investigation certificate of death before**

1 **completing the certificate of death, if necessary.**

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

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

- 15 (1) certified by the American board of pathology; or  
16 (2) holding an unlimited license to practice medicine in Indiana  
17 and acting under the direction of a physician certified by the  
18 American board of pathology;

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

24 (e) If:

- 25 (1) at the request of:  
26 (A) the decedent's spouse;  
27 (B) a child of the decedent, if the decedent does not have a  
28 spouse;  
29 (C) a parent of the decedent, if the decedent does not have a  
30 spouse or children;  
31 (D) a brother or sister of the decedent, if the decedent does not  
32 have a spouse, children, or parents; or  
33 (E) a grandparent of the decedent, if the decedent does not  
34 have a spouse, children, parents, brothers, or sisters;

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

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

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

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

- 1 of an autopsy if subsection (e) applies to the death of the child."  
 2 Page 3, line 41, delete "determine if" and insert "**determine**  
 3 **whether**".  
 4 Page 4, line 20, delete "whose death is".  
 5 Page 4, line 22, delete "whose death is".  
 6 Page 4, line 25, delete "whose death is".  
 7 Page 4, line 31, delete "on the subject".  
 8 Page 4, line 33, delete "except if" and insert "**unless**".  
 9 Page 5, line 5, delete "each" and insert "**the**".  
 10 Page 5, line 5, after "death" insert "**of a child**".  
 11 Page 5, line 15, after "infraction." insert "**However, the offense is**  
 12 **a Class A misdemeanor if it is done with the intent to hinder a**  
 13 **criminal investigation.**".  
 14 Page 5, line 16, after "who," insert "**with the intent to hinder a**  
 15 **criminal investigation and**".  
 16 Page 5, line 17, strike "moves or transports".  
 17 Page 5, line 18, strike "from".  
 18 Page 5, line 18, after "from" insert "**alters**".  
 19 Page 5, line 18, strike "the body".  
 20 Page 7, line 12, reset in roman "(a)".  
 21 Page 7, line 12, after "(a)" insert "**As used in this section,**  
 22 **"autopsy" means the external and surgical internal examination of**  
 23 **all body systems of a decedent, including toxicology and histology.**  
 24 **(b)**".  
 25 Page 7, line 12, reset in roman "Except as".  
 26 Page 7, reset in roman lines 13 through 21.  
 27 Page 7, line 22, delete "(a) Except" and insert "**(c) Except**".  
 28 Page 7, line 22, reset in roman "subsection".  
 29 Page 7, line 22, before "and" insert "**(b)**".  
 30 Page 7, line 22, reset in roman "and".  
 31 Page 7, line 28, delete "(b)" and insert "**(d)**".  
 32 Page 7, after line 31, begin a new paragraph and insert:  
 33 "SECTION 13. IC 36-2-14-22 IS ADDED TO THE INDIANA  
 34 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 35 [EFFECTIVE JULY 1, 2007]: **Sec. 22. A coroner shall follow the**

1 **procedures set forth in IC 29-2-16 concerning organ and tissue**  
2 **procurement.**

3 SECTION 14. THE FOLLOWING ARE REPEALED [EFFECTIVE  
4 JULY 1, 2007]: IC 36-2-14-12; IC 36-2-14-14."

(Reference is to EHB 1503 as printed April 6, 2007.)

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Senator KRUSE