

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 13-0042.01 Michael Dohr x4347

HOUSE BILL 13-1097

HOUSE SPONSORSHIP

Gardner,

SENATE SPONSORSHIP

Nicholson,

House Committees
Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE DUTIES OF CORONERS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

In 2011, the general assembly enacted a law that requires coroners to perform a forensic autopsy or have a forensic autopsy performed under certain circumstances. As a result of that change, this bill repeals a provision that allows a coroner to ask a physician to make a scientific examination of the body of the deceased.

Current law allows a physician who is conducting a postmortem examination to remove the pituitary gland from the body of the deceased

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

for medical research. The bill repeals this provision.

A coroner has additional legal duties when a person dies under certain circumstances that may require an investigation. The bill adds several additional duties and responsibilities for coroners when a person dies under those circumstances.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **repeal** 30-10-609 as
3 follows:

4 **30-10-609. Physicians summoned - compensation.** ~~In any case~~
5 ~~wherein the coroner orders a post-mortem examination, he may summon~~
6 ~~one or more licensed physicians to make a scientific examination of the~~
7 ~~body of the deceased, and each such physician shall be allowed~~
8 ~~reasonable compensation for his services. The amount of such~~
9 ~~compensation shall be determined by the coroner within the limits~~
10 ~~prescribed by the board of county commissioners. Any person so~~
11 ~~summoned may rely on the coroner's act in ordering an examination, and~~
12 ~~it shall be legally presumed that he has acted with due legal authority.~~

13 **SECTION 2.** In Colorado Revised Statutes, **repeal** 30-10-621 as
14 follows:

15 **30-10-621. Removal of pituitary gland - authorization.**
16 ~~(1) Whenever a post-mortem examination is performed pursuant to~~
17 ~~section 30-10-606 (2), the examining physician may remove the pituitary~~
18 ~~gland from the body of the deceased for the purpose of medical research,~~
19 ~~education, or therapy if:~~

20 ~~(a) The removal is performed in conjunction with a post-mortem~~
21 ~~examination performed under the jurisdiction of the county coroner;~~

22 ~~(b) The removal will not impede or interfere with the investigation~~
23 ~~which gave rise to the post-mortem examination and will not significantly~~

1 alter post-mortem appearance;

2 (c) ~~No prior objection by the decedent is made known or no~~
3 ~~objection by the decedent's next of kin is expressed at the time of the~~
4 ~~post-mortem examination and the decedent was not a known member of~~
5 ~~a religious group with a public position in opposition to tissue removal.~~

6 (2) ~~No county coroner or licensed physician acting pursuant to~~
7 ~~section 30-10-606 (2) and acting in good faith and in accordance with~~
8 ~~subsection (1) of this section with respect to the removal of a pituitary~~
9 ~~gland nor any facility in which such removal takes place shall be liable~~
10 ~~for damages in any civil action or subject to prosecution in any criminal~~
11 ~~proceeding for his act.~~

12 **SECTION 3.** In Colorado Revised Statutes, **amend** 30-10-606 as
13 follows:

14 **30-10-606. Coroner - inquiry - grounds - postmortem - jury -**
15 **certificate of death.** (1) THE RESPONDING LAW ENFORCEMENT AGENCY
16 SHALL IMMEDIATELY NOTIFY THE CORONER WHEN A DEATH IS DISCOVERED
17 OR CONFIRMED. The coroner shall immediately notify the district attorney
18 ~~proceed to view~~ OR HIS OR HER DESIGNEE IF BY PRIOR AGREEMENT, AND
19 THEN AT HIS OR HER DISCRETION PROCEED TO THE SCENE TO VIEW the
20 body and ~~make~~ THE SURROUNDING AREA IN COOPERATION WITH LAW
21 ENFORCEMENT, THEN MAKE APPROPRIATE INQUIRY REGARDING THE CAUSE
22 AND MANNER OF DEATH. THE INQUIRY SHALL INCLUDE A LIMITED
23 PHYSICAL EXAMINATION OF THE BODY TO COLLECT TIME-SENSITIVE
24 INFORMATION SUCH AS BODY AND SCENE TEMPERATURE, LIVIDITY, AND
25 RIGOR. THE CORONER, IN COOPERATION WITH LAW ENFORCEMENT, SHALL
26 MAKE all proper inquiry ~~respecting~~ IN ORDER TO DETERMINE the cause and
27 manner of death of any person in his OR HER jurisdiction who has died

1 under any of the following circumstances:

2 (a) ~~From~~ IF THE DEATH IS OR MAY BE UNNATURAL AS A RESULT OF
3 external INFLUENCES, violence, ~~unexplained cause,~~ or ~~under suspicious~~
4 ~~circumstances~~ INJURY;

5 (a.3) DUE TO THE INFLUENCE OF OR THE RESULT OF INTOXICATION
6 BY ALCOHOL, DRUGS, OR POISON;

7 (a.5) AS A RESULT OF AN ACCIDENT, INCLUDING AT THE
8 WORKPLACE;

9 (a.7) WHEN THE DEATH OF AN INFANT OR CHILD IS UNEXPECTED OR
10 UNEXPLAINED;

11 (b) ~~Where~~ WHEN no physician is in attendance or ~~where~~ WHEN,
12 though in attendance, the physician is unable to certify the cause of death;

13 (c) From ~~thermal, chemical, or radiation injury~~ A DEATH THAT
14 OCCURS WITHIN TWENTY-FOUR HOURS OF ADMISSION TO A HOSPITAL;

15 (d) From criminal abortion, including any situation where such
16 abortion may have been self-induced;

17 (e) From a disease which may be hazardous or contagious or
18 which may constitute a threat to the health of the general public;

19 (f) IF THE DEATH OCCURS FROM THE ACTION OF A PEACE OFFICER
20 OR while in the custody of law enforcement officials or while incarcerated
21 in a public institution;

22 (g) When the death was sudden and happened to a person who
23 was in APPARENT good health; ~~or~~

24 (h) ~~From an industrial accident;~~ WHEN A BODY IS UNIDENTIFIABLE,
25 DECOMPOSED, CHARRED, OR SKELETONIZED; OR

26 (i) CIRCUMSTANCES THAT THE CORONER OTHERWISE DETERMINES
27 MAY WARRANT FURTHER INQUIRY TO DETERMINE CAUSE AND MANNER OF

1 DEATH OR FURTHER LAW ENFORCEMENT INVESTIGATION.

2 (1.1) ~~After consultation with the district attorney,~~ The coroner
3 ~~may~~ SHALL request that jurisdiction of ~~any such~~ A death be transferred to
4 the coroner of the county in which the event which resulted in the death
5 of the person occurred, with the jurisdiction effective upon the acceptance
6 by the receiving coroner. ~~Such~~ THE transfer shall be in writing, and a
7 copy thereof shall be maintained in the offices of the transferring and
8 receiving coroners. THE DISTRICT ATTORNEY FROM EACH COUNTY
9 INVOLVED IN THE TRANSFER SHALL BE CONTACTED PRIOR TO THE
10 TRANSFER UNLESS PRIOR AGREEMENTS HAVE BEEN ESTABLISHED.

11 (1.2) (a) When a person dies as a result of circumstances specified
12 in subsection (1) of this section or is found dead and the cause of death
13 is unknown, the person who discovers the death shall report it
14 immediately to law enforcement officials. ~~or the coroner, and the coroner~~
15 ~~shall take legal custody of the body~~ IF THE DEATH IS REPORTED DIRECTLY
16 TO THE CORONER, THE CORONER SHALL IMMEDIATELY NOTIFY LOCAL LAW
17 ENFORCEMENT.

18 (b) The body, CLOTHING, AND OTHER ITEMS, INCLUDING FIREARMS
19 OR OTHER WEAPONS, ON OR IMMEDIATELY SURROUNDING THE BODY of any
20 ~~such~~ person WHO DIES AS A RESULT OF CIRCUMSTANCES SPECIFIED IN
21 SUBSECTION (1) OF THIS SECTION shall not be DISTURBED OR removed
22 from the place of death ~~except upon the~~ PRIOR TO THE ARRIVAL OF THE
23 CORONER OR HIS OR HER DESIGNEE OR WITHOUT THE authority of the
24 coroner OR HIS OR HER DESIGNEE UNLESS IT IS NECESSARY TO PROTECT
25 THE PROPERTY FROM DAMAGE OR DESTRUCTION, OR UNLESS IT SHALL BE
26 NECESSARY TO PRESERVE AND PROTECT EVIDENCE OR PROTECT LIFE,
27 HEALTH, OR SAFETY. THE CORONER, in consultation with the district

1 attorney or local law enforcement agency, ~~nor shall any article on or~~
2 ~~immediately surrounding such body be disturbed until authorized by the~~
3 ~~coroner in consultation with the district attorney or local law enforcement~~
4 ~~agency~~ SHALL FACILITATE THE TIMELY REMOVAL OF THE BODY TO
5 PRESERVE AND PROTECT EVIDENCE. THE CORONER MAY ORDER THE
6 REMOVAL OF THE BODY FOR FURTHER INVESTIGATION OR RELEASE THE
7 BODY TO THE NEXT OF KIN IF NO FURTHER INVESTIGATION IS REQUIRED BY
8 LAW ENFORCEMENT.

9 (c) IF A SUICIDE NOTE RELATED TO THE DEATH IS FOUND AT THE
10 PLACE OF DEATH, THE CORONER OR LAW ENFORCEMENT AGENCY
11 ACCORDING TO A PRIOR AGREEMENT SHALL TAKE CUSTODY OF THE NOTE
12 AS WELL AS ANY OTHER DOCUMENTATION RELATED TO THE CAUSE OR
13 MANNER OF DEATH AS IS APPROPRIATE.

14 (d) THE CORONER IN COLLABORATION WITH LOCAL LAW
15 ENFORCEMENT SHALL IDENTIFY THE DECEASED, DETERMINE THE
16 DECEASED'S NEXT OF KIN, AND NOTIFY THE APPROPRIATE NEXT OF KIN OR
17 OTHER PERSONS OF THE DEATH.

18 (e) IN ORDER TO ASSIST WITH THE IDENTIFICATION OF THE
19 DECEASED, LOCATION AND IDENTITY OF NEXT OF KIN, AND
20 DETERMINATION OF THE CAUSE AND MANNER OF DEATH, THE CORONER, IN
21 COOPERATION WITH LAW ENFORCEMENT, HAS THE AUTHORITY TO
22 COLLECT, EXAMINE, AND STORE, OR DIRECT LAW ENFORCEMENT TO
23 COLLECT, EXAMINE, AND STORE, ANY DOCUMENTS, EVIDENCE, OR
24 INFORMATION, INCLUDING INFORMATION AVAILABLE IN ELECTRONIC
25 DEVICES SUCH AS PHONES OR COMPUTERS.

26 (f) WHEN IN THE COURSE OF AN INVESTIGATION, A DEATH
27 BECOMES SUSPICIOUS OR THE POSSIBILITY OF CRIMINAL ACTIVITY ARISES,

1 THE CORONER SHALL IMMEDIATELY CONSULT WITH THE DISTRICT
2 ATTORNEY OR LAW ENFORCEMENT IN THE JURISDICTION WHERE THE
3 EVENTS THAT CAUSED THE DEATH OCCURRED. THE CORONER MAY TAKE
4 CUSTODY OF PRESCRIPTION MEDICATIONS DISPENSED TO THE DECEASED TO
5 ASSIST IN DETERMINING THE CAUSE AND MANNER OF DEATH. THE
6 CORONER SHALL PROPERLY DOCUMENT, STORE, AND DISPOSE OF THE
7 MEDICATIONS OR AUTHORIZE LAW ENFORCEMENT TO DOCUMENT, STORE,
8 AND DISPOSE OF THE MEDICATIONS.

9 (2) The coroner OR HIS OR HER DESIGNEE shall perform a forensic
10 autopsy or have a forensic autopsy performed as required by section
11 30-10-606.5 or upon the request of the district attorney. A VIOLATION OF
12 THIS SUBSECTION (2) SHALL BE A CLASS 3 MISDEMEANOR, AND A SECOND
13 OR SUBSEQUENT VIOLATION SHALL BE A CLASS 1 MISDEMEANOR.

14 (2.5) IN THE CASE OF A NONCRIMINAL INVESTIGATION, THE
15 CORONER, IN COOPERATION WITH LAW ENFORCEMENT AND THE PUBLIC
16 ADMINISTRATOR IF APPLICABLE, SHALL TAKE APPROPRIATE MEASURES TO
17 SAFEGUARD THE PROPERTY AND ITS CONTENTS. THE CORONER MAY
18 CHARGE THE COSTS OF SEALING THE PREMISES AGAINST THE ESTATE OF
19 THE DECEASED.

20 (2.7) A CORONER SHALL COMPLY WITH INFORMATION REQUESTS
21 FOR STATISTICAL OR RESEARCH PURPOSES FROM THE DEPARTMENT OF
22 PUBLIC HEALTH AND ENVIRONMENT AND THE DEPARTMENT OF
23 TRANSPORTATION.

24 (3) When the coroner has knowledge that any person has died
25 under any of the circumstances specified in subsection (1) of this section,
26 he may summon forthwith six citizens of the county to appear at a place
27 named to hold an inquest to hear testimony and to make such inquiries as

1 he deems appropriate.

2 (4) (a) In all cases where the coroner has held an investigation or
3 inquest, the certificate of death shall be issued by the coroner. ~~or the~~
4 ~~coroner's deputy.~~

5 (b) Any certificate of death issued by a coroner ~~or a coroner's~~
6 ~~deputy~~ shall be filed with the registrar and shall state ~~their~~ THE findings
7 concerning the nature of the disease or the manner of death, and, if from
8 external causes, the certificate shall state ~~whether in their opinion~~ THE
9 MANNER OF death. ~~was accidental, suicidal, or felonious~~ In addition, the
10 certificate shall include the information described in section 25-2-103 (3)
11 (b), C.R.S., whenever the subject of the investigation or inquest is under
12 one year of age.

13 (c) A copy of the certificate of death or affidavit of presumed
14 death, including any related documents and statements of fact, shall be
15 retained INDEFINITELY in the applicable county in a secure location in an
16 appropriate county facility accessible only to the county coroner or the
17 coroner's designee and in a manner that is consistent with the county's
18 record retention policy and federal law.

19 (5) Nothing in this section shall be construed to require an
20 investigation, autopsy, or inquest in any case where death occurred
21 without medical attendance solely because the deceased was under
22 treatment by prayer or spiritual means alone in accordance with the tenets
23 and practices of a well-recognized church or religious denomination.

24 (6) (a) Notwithstanding sections 12-43-218 and 13-90-107 (1) (d)
25 or (1) (g), C.R.S., the coroner holding an inquest or investigation pursuant
26 to this section has the authority to request and receive a copy of:

27 (I) Any autopsy report or medical information from any

1 pathologist, physician, dentist, hospital, or health care provider or
2 institution if such report or information is relevant to the inquest or
3 investigation; and

4 (II) Any information, record, or report related to treatment,
5 consultation, counseling, or therapy services from any licensed
6 psychologist, professional counselor, marriage and family therapist, social
7 worker, or addiction counselor, certified addiction counselor, or
8 registered psychotherapist if the report, record, or information is relevant
9 to the inquest or investigation.

10 (b) The coroner OR HIS OR HER DESIGNEE shall, at the request of
11 the district attorney or attorney general, release to the district attorney or
12 attorney general any autopsy report or medical information described in
13 subparagraph (I) of paragraph (a) of this subsection (6) that the coroner
14 obtains pursuant to paragraph (a) of this subsection (6).

15 (c) The coroner OR HIS OR HER DESIGNEE shall not release to any
16 party any information, record, or report described in subparagraph (II) of
17 paragraph (a) of this subsection (6) that the coroner obtains pursuant to
18 paragraph (a) of this subsection (6).

19 (d) Any person who complies with a request from a coroner OR
20 HIS OR HER DESIGNEE pursuant to paragraph (a) of this subsection (6) shall
21 be immune from any civil or criminal liability that might otherwise be
22 incurred or imposed with respect to the disclosure of confidential patient
23 or client information.

24 **SECTION 4. Safety clause.** The general assembly hereby finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, and safety.