
HOUSE BILL No. 1555

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-2-14.

Synopsis: Reporting deaths to county coroner. Requires that all deaths must be reported to the coroner. Provides that a coroner does not have to follow certain organ and tissue procurement procedures if the coroner determines the procurement will impede or interfere with a death investigation.

Effective: July 1, 2011.

Bacon, Mahan

January 20, 2011, read first time and referred to Committee on Public Health.

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First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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HOUSE BILL No. 1555

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 36-2-14-6, AS AMENDED BY P.L.225-2007,
2 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2011]: Sec. 6. (a) Whenever the coroner is notified that a
4 person in the county:
5 (1) has died from violence;
6 (2) has died by casualty;
7 (3) has died when apparently in good health;
8 (4) has died in an apparently suspicious, unusual, or unnatural
9 manner; or
10 (5) has been found dead;
11 the coroner shall, before the scene of the death is disturbed, notify a
12 law enforcement agency having jurisdiction in that area. The agency
13 shall assist the coroner in conducting an investigation of how the
14 person died and a medical investigation of the cause of death. The
15 coroner may hold the remains of the decedent until the investigation of
16 how the person died and the medical investigation of the cause of death
17 are concluded.



- 1 (b) The coroner:
- 2 (1) shall file a certificate of death with the county health
- 3 department, or, if applicable, a multiple county health department,
- 4 of the county in which the individual died, within seventy-two
- 5 (72) hours after the completion of the death investigation;
- 6 (2) shall complete the certificate of death utilizing all verifiable
- 7 information establishing the time and date of death; and
- 8 (3) may file a pending investigation certificate of death before
- 9 completing the certificate of death, if necessary.
- 10 (c) If this section applies, the body and the scene of death may not
- 11 be disturbed until:
- 12 (1) the coroner has photographed them in the manner that most
- 13 fully discloses how the person died; and
- 14 (2) law enforcement and the coroner have finished their initial
- 15 assessment of the scene of death.
- 16 However, a coroner or law enforcement officer may order a body to be
- 17 moved before photographs are taken if the position or location of the
- 18 body unduly interferes with activities carried on where the body is
- 19 found, but the body may not be moved from the immediate area and
- 20 must be moved without substantially destroying or altering the
- 21 evidence present.
- 22 (d) When acting under this section **or section 6.8 of this chapter**,
- 23 if the coroner considers it necessary to have an autopsy performed, is
- 24 required to perform an autopsy under subsection (f), or is requested by
- 25 the prosecuting attorney of the county to perform an autopsy, the
- 26 coroner shall employ a:
- 27 (1) physician certified by the American Board of Pathology; or
- 28 (2) pathology resident acting under the direct supervision of a
- 29 physician certified in anatomic pathology by the American Board
- 30 of Pathology;
- 31 to perform the autopsy. The physician performing the autopsy shall be
- 32 paid a fee of at least fifty dollars (\$50) from the county treasury.
- 33 (e) If:
- 34 (1) at the request of:
- 35 (A) the decedent's spouse;
- 36 (B) a child of the decedent, if the decedent does not have a
- 37 spouse;
- 38 (C) a parent of the decedent, if the decedent does not have a
- 39 spouse or children;
- 40 (D) a brother or sister of the decedent, if the decedent does not
- 41 have a spouse, children, or parents; or
- 42 (E) a grandparent of the decedent, if the decedent does not

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1 have a spouse, children, parents, brothers, or sisters;
 2 (2) in any death, two (2) or more witnesses who corroborate the
 3 circumstances surrounding death are present; and
 4 (3) two (2) physicians who are licensed to practice medicine in
 5 the state and who have made separate examinations of the
 6 decedent certify the same cause of death in an affidavit within
 7 twenty-four (24) hours after death;
 8 an autopsy need not be performed. The affidavits shall be filed with the
 9 circuit court clerk.

10 (f) A county coroner may not certify the cause of death in the case
 11 of the sudden and unexpected death of a child who is less than three (3)
 12 years old unless an autopsy is performed at county expense. However,
 13 a coroner may certify the cause of death of a child described in this
 14 subsection without the performance of an autopsy if subsection (e)
 15 applies to the death of the child.

16 (g) After consultation with the law enforcement agency
 17 investigating the death of a decedent, the coroner shall do the
 18 following:

19 (1) Inform a crematory authority if a person is barred under
 20 IC 23-14-31-26(c) from serving as the authorizing agent with
 21 respect to the cremation of the decedent's body because the
 22 coroner made the determination under IC 23-14-31-26(c)(2) in
 23 connection with the death of the decedent.

24 (2) Inform a cemetery owner if a person is barred under
 25 IC 23-14-55-2(d) from authorizing the disposition of the body or
 26 cremated remains of the decedent because the coroner made the
 27 determination under IC 23-14-55-2(d)(2) in connection with the
 28 death of the decedent.

29 (3) Inform a seller of prepaid services or merchandise if a person's
 30 contract is unenforceable under IC 30-2-13-23(b) because the
 31 coroner made the determination under IC 30-2-13-23(b)(4) in
 32 connection with the death of the decedent.

33 SECTION 2. IC 36-2-14-6.8 IS ADDED TO THE INDIANA CODE
 34 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 35 1, 2011]: **Sec. 6.8. (a) All deaths in a county must be reported to the
 36 county coroner.**

37 **(b) The county coroner shall determine if a death is to be
 38 investigated by the coroner.**

39 SECTION 3. IC 36-2-14-22.4, AS ADDED BY P.L.3-2008,
 40 SECTION 259, IS AMENDED TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2011]: **Sec. 22.4. Except when a coroner
 42 determines procurement will impede or interfere with a death**

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1 **investigation**, a coroner shall follow the procedures set forth in
2 IC 29-2-16.1 concerning organ and tissue procurement.

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