

# HOUSE BILL No. 1069

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 4-23-6.5-11; IC 36-2-14.

**Synopsis:** County coroners. Requires that all deaths that occur in a county be reported to the county coroner. Requires the coroners training board to prescribe a form to assist a county coroner in determining whether to investigate a death reported to the coroner. Provides that a coroner is not required to follow certain organ and tissue procurement procedures if the coroner determines that the procurement will impede or interfere with a death investigation.

**Effective:** July 1, 2012.

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**Bacon, Mahan**

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January 9, 2012, read first time and referred to Committee on Local Government.

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Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

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**HOUSE BILL No. 1069**



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 4-23-6.5-11 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2012]: **Sec. 11. (a) The board shall prescribe a form to assist a**
- 4 **county coroner in determining whether to investigate a death**
- 5 **reported to the county coroner under IC 36-2-14-6.8(a).**
- 6 **(b) The board shall distribute the form prescribed under this**
- 7 **section to each county coroner.**
- 8 SECTION 2. IC 36-2-14-6, AS AMENDED BY P.L.34-2011,
- 9 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 10 JULY 1, 2012]: Sec. 6. (a) Whenever the coroner is notified that a
- 11 person in the county:
- 12 (1) has died from violence;
- 13 (2) has died by casualty;
- 14 (3) has died when apparently in good health;
- 15 (4) has died in an apparently suspicious, unusual, or unnatural
- 16 manner; or
- 17 (5) has been found dead;



1 the coroner shall, before the scene of the death is disturbed, notify a  
 2 law enforcement agency having jurisdiction in that area. The agency  
 3 shall assist the coroner in conducting an investigation of how the  
 4 person died and a medical investigation of the cause of death. The  
 5 coroner may hold the remains of the decedent until the investigation of  
 6 how the person died and the medical investigation of the cause of death  
 7 are concluded.

8 (b) The coroner:

9 (1) shall file a certificate of death with the county health  
 10 department, or, if applicable, a multiple county health department,  
 11 of the county in which the individual died, within seventy-two  
 12 (72) hours after the completion of the death investigation;

13 (2) shall complete the certificate of death utilizing all verifiable  
 14 information establishing the time and date of death; and

15 (3) may file a pending investigation certificate of death before  
 16 completing the certificate of death, if necessary.

17 (c) If this section applies, the body and the scene of death may not  
 18 be disturbed until:

19 (1) the coroner has photographed them in the manner that most  
 20 fully discloses how the person died; and

21 (2) law enforcement and the coroner have finished their initial  
 22 assessment of the scene of death.

23 However, a coroner or law enforcement officer may order a body to be  
 24 moved before photographs are taken if the position or location of the  
 25 body unduly interferes with activities carried on where the body is  
 26 found, but the body may not be moved from the immediate area and  
 27 must be moved without substantially destroying or altering the  
 28 evidence present.

29 (d) When acting under this section **or section 6.8 of this chapter**,  
 30 if the coroner considers it necessary to have an autopsy performed, is  
 31 required to perform an autopsy under subsection (f), or is requested by  
 32 the prosecuting attorney of the county to perform an autopsy, the  
 33 coroner shall employ a:

34 (1) physician certified by the American Board of Pathology; or

35 (2) pathology resident acting under the direct supervision of a  
 36 physician certified in anatomic pathology by the American Board  
 37 of Pathology;

38 to perform the autopsy. The physician performing the autopsy shall be  
 39 paid a fee of at least fifty dollars (\$50) from the county treasury.

40 (e) If:

41 (1) at the request of:

42 (A) the decedent's spouse;

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

17 (f) A county coroner may not certify the cause of death in the case  
 18 of the sudden and unexpected death of a child who is less than three (3)  
 19 years old unless an autopsy is performed at county expense. However,  
 20 a coroner may certify the cause of death of a child described in this  
 21 subsection without the performance of an autopsy if subsection (e)  
 22 applies to the death of the child.

23 (g) After consultation with the law enforcement agency  
 24 investigating the death of a decedent, the coroner shall do the  
 25 following:

- 26 (1) Inform a crematory authority if a person is barred under  
 27 IC 23-14-31-26(c) from serving as the authorizing agent with  
 28 respect to the cremation of the decedent's body because the  
 29 coroner made the determination under IC 23-14-31-26(c)(2) in  
 30 connection with the death of the decedent.
- 31 (2) Inform a cemetery owner if a person is barred under  
 32 IC 23-14-55-2(c) from authorizing the disposition of the body or  
 33 cremated remains of the decedent because the coroner made the  
 34 determination under IC 23-14-55-2(c)(2) in connection with the  
 35 death of the decedent.
- 36 (3) Inform a seller of prepaid services or merchandise if a person's  
 37 contract is unenforceable under IC 30-2-13-23(b) because the  
 38 coroner made the determination under IC 30-2-13-23(b)(4) in  
 39 connection with the death of the decedent.

40 SECTION 3. IC 36-2-14-6.8 IS ADDED TO THE INDIANA CODE  
 41 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 42 1, 2012]: **Sec. 6.8. (a) All deaths that occur in a county shall be**

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1 reported to the county coroner.  
2 (b) The county coroner shall use the form prescribed by the  
3 coroner's training board under IC 4-23-6.5-11 in determining  
4 whether to investigate a death reported to the coroner.  
5 SECTION 4. IC 36-2-14-22.4, AS ADDED BY P.L.3-2008,  
6 SECTION 259, IS AMENDED TO READ AS FOLLOWS  
7 [EFFECTIVE JULY 1, 2012]: Sec. 22.4. **Unless a coroner determines**  
8 **that procurement will impede or interfere with a death**  
9 **investigation,** a coroner shall follow the procedures set forth in  
10 IC 29-2-16.1 concerning organ and tissue procurement.

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