

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

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 13-0042.01 Michael Dohr x4347

HOUSE BILL 13-1097

HOUSE SPONSORSHIP

Gardner,

SENATE SPONSORSHIP

Nicholson,

House Committees
Local Government

Senate Committees
Local Government

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.*

SENATE
Amended 2nd Reading
March 12, 2013

HOUSE
3rd Reading Unamended
February 20, 2013

HOUSE
Amended 2nd Reading
February 19, 2013

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 NOTIFY THE CORONER WHEN A DEATH IS DISCOVERED OR
17 CONFIRMED AS SOON AS PRACTICABLE AFTER THE SCENE IS SAFE AND
18 SECURE. The coroner shall immediately notify the district attorney
19 ~~proceed to view~~ OR HIS OR HER DESIGNEE IF BY PRIOR AGREEMENT, AND
20 THEN AT HIS OR HER DISCRETION PROCEED TO THE SCENE TO VIEW the
21 body. ~~and make~~ UPON ARRIVAL OF THE CORONER, LAW ENFORCEMENT
22 SHALL MAKE ALL REASONABLE ACCOMMODATIONS TO ALLOW THE
23 CORONER TO COLLECT TIME-SENSITIVE INFORMATION SUCH AS BODY AND
24 SCENE TEMPERATURE, LIVIDITY, AND RIGOR. THE CORONER, IN
25 COOPERATION WITH LAW ENFORCEMENT, SHALL MAKE all proper inquiry
26 ~~respecting~~ IN ORDER TO DETERMINE the cause and manner of death of any
27 person in his OR HER jurisdiction who has died under any of the following

- 1 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.

16 (b) The body of any ~~such~~ person WHO DIES AS A RESULT OF
17 CIRCUMSTANCES SPECIFIED IN SUBSECTION (1) OF THIS SECTION shall not
18 be removed from the place of death ~~except upon the~~ PRIOR TO THE
19 ARRIVAL OF THE CORONER OR HIS OR HER DESIGNEE OR WITHOUT THE
20 authority of the coroner OR HIS OR HER DESIGNEE UNLESS IT IS NECESSARY
21 TO IDENTIFY THE VICTIM, TO PROTECT THE PROPERTY FROM DAMAGE OR
22 DESTRUCTION, OR TO PRESERVE AND PROTECT EVIDENCE, OR PROTECT
23 LIFE, HEALTH, OR SAFETY. THE CORONER, in consultation with the district
24 attorney or local law enforcement agency, ~~nor shall any article on or~~
25 ~~immediately surrounding such body be disturbed until authorized by the~~
26 ~~coroner in consultation with the district attorney or local law enforcement~~
27 ~~agency~~ SHALL FACILITATE THE TIMELY REMOVAL OF THE BODY TO

1 PRESERVE AND PROTECT EVIDENCE. THE CORONER MAY ORDER THE
2 REMOVAL OF THE BODY FOR FURTHER INVESTIGATION OR RELEASE THE
3 BODY TO THE NEXT OF KIN IF NO FURTHER INVESTIGATION IS REQUIRED BY
4 LAW ENFORCEMENT.

5 (c) IF A SUICIDE NOTE RELATED TO THE DEATH IS FOUND AT THE
6 PLACE OF DEATH, THE CORONER OR LAW ENFORCEMENT AGENCY
7 ACCORDING TO A PRIOR AGREEMENT SHALL TAKE CUSTODY OF THE NOTE
8 AS WELL AS ANY OTHER DOCUMENTATION RELATED TO THE CAUSE OR
9 MANNER OF DEATH AS IS APPROPRIATE. IF THERE IS NO PRIOR AGREEMENT,
10 LAW ENFORCEMENT SHALL HAVE THE AUTHORITY TO TAKE CUSTODY OF
11 THE SUICIDE NOTE AND SHALL PROVIDE A COPY OF THE SUICIDE NOTE TO
12 THE CORONER. THE CORONER SHALL HAVE THE AUTHORITY TO VIEW THE
13 SUICIDE NOTE PRIOR TO RECEIVING A COPY.

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

18 (e) IN THE CASE OF A NONCRIMINAL INVESTIGATION, IN ORDER TO
19 ASSIST WITH THE IDENTIFICATION OF THE DECEASED, LOCATION AND
20 IDENTITY OF NEXT OF KIN, AND DETERMINATION OF THE CAUSE AND
21 MANNER OF DEATH, THE CORONER, IN COOPERATION WITH LAW
22 ENFORCEMENT, HAS THE AUTHORITY TO COLLECT, EXAMINE, AND STORE,
23 OR REQUEST LAW ENFORCEMENT TO COLLECT, EXAMINE, AND STORE, ANY
24 DOCUMENTS, EVIDENCE, OR INFORMATION, INCLUDING INFORMATION
25 AVAILABLE IN ELECTRONIC DEVICES SUCH AS PHONES OR COMPUTERS
26 SUBJECT TO THE LIMITATIONS IN THE FOURTH AMENDMENT TO THE UNITED
27 STATES CONSTITUTION AND SECTION 7 OF ARTICLE II OF THE COLORADO

1 CONSTITUTION.

2 (f) WHEN IN THE COURSE OF A CORONER INVESTIGATION, A DEATH
3 BECOMES SUSPICIOUS OR THE POSSIBILITY OF CRIMINAL ACTIVITY ARISES,
4 THE CORONER SHALL IMMEDIATELY CONSULT WITH THE DISTRICT
5 ATTORNEY AND LAW ENFORCEMENT IN THE JURISDICTION WHERE THE
6 EVENTS THAT CAUSED THE DEATH OCCURRED.

7 (g) IN THE CASE OF A NONCRIMINAL INVESTIGATION, THE CORONER
8 MAY TAKE CUSTODY OF PRESCRIPTION MEDICATIONS DISPENSED TO THE
9 DECEASED TO ASSIST IN DETERMINING THE CAUSE AND MANNER OF DEATH
10 SUBJECT TO THE LIMITATIONS IN THE FOURTH AMENDMENT TO THE UNITED
11 STATES CONSTITUTION AND SECTION 7 OF ARTICLE II OF THE COLORADO
12 CONSTITUTION. THE CORONER SHALL PROPERLY DOCUMENT, STORE, AND
13 DISPOSE OF THE MEDICATIONS OR REQUEST LAW ENFORCEMENT TO
14 DOCUMENT, STORE, AND DISPOSE OF THE MEDICATIONS.

15 (2) The coroner OR HIS OR HER DESIGNEE shall perform a forensic
16 autopsy or have a forensic autopsy performed as required by section
17 30-10-606.5 or upon the request of the district attorney. FAILURE TO
18 COMPLY WITH THIS SECTION MAY BE PROSECUTED AS A VIOLATION OF
19 18-8-405, C.R.S.

20 (2.5) IN THE CASE OF A NONCRIMINAL INVESTIGATION, THE
21 CORONER, IN COOPERATION WITH THE PUBLIC ADMINISTRATOR IF
22 APPLICABLE, MAY TAKE APPROPRIATE MEASURES TO SAFEGUARD THE
23 PROPERTY AND ITS CONTENTS. THE CORONER MAY CHARGE THE COSTS OF
24 SECURING THE PREMISES AGAINST THE ESTATE OF THE DECEASED. A
25 CORONER WHO SECURES OR SAFEGUARDS THE PROPERTY AND ITS
26 CONTENTS IS IMMUNE FROM CIVIL LIABILITY FOR DAMAGE TO OR LOSS OF
27 THE PROPERTY OR ITS CONTENTS.

1 (2.7) A CORONER SHALL COMPLY WITH INFORMATION REQUESTS
2 FOR STATISTICAL OR RESEARCH PURPOSES FROM THE DEPARTMENT OF
3 PUBLIC HEALTH AND ENVIRONMENT AND THE DEPARTMENT OF
4 TRANSPORTATION.

5 (3) When the coroner has knowledge that any person has died
6 under any of the circumstances specified in subsection (1) of this section,
7 he may summon forthwith six citizens of the county to appear at a place
8 named to hold an inquest to hear testimony and to make such inquiries as
9 he deems appropriate.

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

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

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

27 (5) Nothing in this section shall be construed to require an

1 investigation, autopsy, or inquest in any case where death occurred
2 without medical attendance solely because the deceased was under
3 treatment by prayer or spiritual means alone in accordance with the tenets
4 and practices of a well-recognized church or religious denomination.

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

8 (I) Any autopsy report or medical information from any
9 pathologist, physician, dentist, hospital, or health care provider or
10 institution if such report or information is relevant to the inquest or
11 investigation; and

12 (II) Any information, record, or report related to treatment,
13 consultation, counseling, or therapy services from any licensed
14 psychologist, professional counselor, marriage and family therapist, social
15 worker, or addiction counselor, certified addiction counselor, or
16 registered psychotherapist if the report, record, or information is relevant
17 to the inquest or investigation.

18 (b) The coroner OR HIS OR HER DESIGNEE shall, at the request of
19 the district attorney or attorney general, release to the district attorney or
20 attorney general any autopsy report or medical information described in
21 subparagraph (I) of paragraph (a) of this subsection (6) that the coroner
22 obtains pursuant to paragraph (a) of this subsection (6).

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

27 (d) Any person who complies with a request from a coroner OR

1 HIS OR HER DESIGNEE pursuant to paragraph (a) of this subsection (6) shall
2 be immune from any civil or criminal liability that might otherwise be
3 incurred or imposed with respect to the disclosure of confidential patient
4 or client information.

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