

An Act

HOUSE BILL 13-1097

BY REPRESENTATIVE(S) Gardner, Fields, Labuda, Wright, Schafer;
also SENATOR(S) Nicholson, King, Newell, Todd.

CONCERNING THE DUTIES OF CORONERS.

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

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

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

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

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

30-10-621. Removal of pituitary gland - authorization.

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

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

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

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

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

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

30-10-606. Coroner - inquiry - grounds - postmortem - jury - certificate of death. (1) THE RESPONDING LAW ENFORCEMENT AGENCY SHALL NOTIFY THE CORONER WHEN A DEATH IS DISCOVERED OR CONFIRMED AS SOON AS PRACTICABLE AFTER THE SCENE IS SAFE AND SECURE. The coroner shall immediately notify the district attorney ~~proceed to view~~ OR HIS OR HER DESIGNEE IF BY PRIOR AGREEMENT, AND THEN AT HIS OR HER DISCRETION PROCEED TO THE SCENE TO VIEW the body. ~~and make~~ UPON ARRIVAL OF THE CORONER, LAW ENFORCEMENT SHALL MAKE ALL REASONABLE ACCOMMODATIONS TO ALLOW THE CORONER TO COLLECT TIME-SENSITIVE INFORMATION SUCH AS BODY AND SCENE TEMPERATURE, LIVIDITY, AND RIGOR. THE CORONER, IN COOPERATION WITH LAW ENFORCEMENT, SHALL MAKE all proper inquiry ~~respecting~~ IN ORDER TO

DETERMINE the cause and manner of death of any person in his OR HER jurisdiction who has died under any of the following circumstances:

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

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

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

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

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

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

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

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

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

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

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

(i) CIRCUMSTANCES THAT THE CORONER OTHERWISE DETERMINES MAY WARRANT FURTHER INQUIRY TO DETERMINE CAUSE AND MANNER OF DEATH OR FURTHER LAW ENFORCEMENT INVESTIGATION.

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

(1.2) (a) When a person dies as a result of circumstances specified in subsection (1) of this section or is found dead and the cause of death is unknown, the person who discovers the death shall report it immediately to law enforcement officials or the coroner, and the coroner shall take legal custody of the body.

(b) The body of any ~~such~~ person WHO DIES AS A RESULT OF CIRCUMSTANCES SPECIFIED IN SUBSECTION (1) OF THIS SECTION shall not be removed from the place of death ~~except upon the~~ PRIOR TO THE ARRIVAL OF THE CORONER OR HIS OR HER DESIGNEE OR WITHOUT THE authority of the coroner OR HIS OR HER DESIGNEE UNLESS IT IS NECESSARY TO IDENTIFY THE VICTIM, TO PROTECT THE PROPERTY FROM DAMAGE OR DESTRUCTION, OR TO PRESERVE AND PROTECT EVIDENCE, OR PROTECT LIFE, HEALTH, OR SAFETY. THE CORONER, in consultation with the district attorney or local law enforcement agency, ~~nor shall any article on or immediately surrounding such body be disturbed until authorized by the coroner in consultation with the district attorney or local law enforcement agency~~ SHALL FACILITATE THE TIMELY REMOVAL OF THE BODY TO PRESERVE AND PROTECT EVIDENCE. THE CORONER MAY ORDER THE REMOVAL OF THE BODY FOR FURTHER INVESTIGATION OR RELEASE THE BODY TO THE NEXT OF KIN IF NO FURTHER INVESTIGATION IS REQUIRED BY LAW ENFORCEMENT.

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

RECEIVING A COPY.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 4. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Mark Ferrandino
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

John P. Morse
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO