

SENATE BILL NO. 402

BY SENATOR MILLS

1 AN ACT

2 To amend and reenact R.S. 13:5713(A) and 5715(A), R.S. 14:30(B)(1), and 95(H), and R.S.
3 17:2355.1, relative to coroners; to provide relative to duties; to provide relative to
4 duties regarding paupers; to include coroners as peace officers for certain purposes;
5 to provide for the carrying of concealed weapons by coroners; to provide relative to
6 the search and disclosure of records by coroners; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 13:5713(A) and 5715(A) are hereby amended and reenacted to read
9 as follows:

10 §5713. Duty to hold autopsies, investigations, etc.

11 A. The coroner shall either view the body or make an investigation into the
12 cause and manner of death in all cases involving the following:

13 (1) Suspicious, unexpected, or unusual deaths.

14 (2) Sudden or violent deaths.

15 (3) Deaths due to unknown or obscure causes or in any unusual manner.

16 (4) Bodies found dead.

17 (5) ~~Deaths without an attending physician within thirty-six hours prior to the~~
18 ~~hour of death.~~

19 (6) Deaths due to suspected suicide or homicide.

20 (7) (6) Deaths in which poison is suspected.

21 (8) (7) Any death from natural causes occurring in a hospital under twenty-
22 four hours **of** admission ~~unless seen by a physician in the last thirty-six hours.~~

23 (9) (8) Deaths following an injury or accident either old or recent.

24 (10) (9) Deaths due to drowning, hanging, burns, electrocution, gunshot
25 wounds, stabs or cutting, lightning, starvation, radiation, exposure, alcoholism,
26 addiction, tetanus, strangulation, suffocation, or smothering.

1 ~~(11)~~**(10)** Deaths due to trauma from whatever cause.

2 ~~(12)~~**(11)** Deaths due to criminal means or by casualty.

3 ~~(13)~~**(12)** Deaths in prison or while serving a sentence.

4 ~~(14)~~**(13)** Deaths due to virulent contagious disease that might be caused by
5 or cause a public hazard, including acquired immune deficiency syndrome.

6 * * *

7 §5715. Delivery of body; ~~burial~~ **disposition** of paupers; anatomical gifts; kidney or
8 eye removal; limitation of liability

9 A.(1) Upon completion of an autopsy or completion of the coroner's
10 investigation, if the investigation reveals that an autopsy is not required, the coroner
11 shall release the body to the family or friends for burial.

12 (2) The coroner shall arrange for the ~~burial~~ **disposition** of paupers, preferably
13 by a Louisiana licensed funeral home. The ~~burial~~ **disposition** expenses shall not
14 exceed the actual cost of the service, and shall be paid by the parish or municipality
15 in which the death occurred. However, such expenses for patients or residents of any
16 state-operated health care or treatment facility shall not be paid by the parish or
17 municipality in which the death occurred, but shall be paid by the state. The state or
18 any municipality or parish may establish a maximum amount which it shall pay for
19 individual ~~burial~~ **disposition** expenses.

20 * * *

21 Section 2. R.S. 14:30(B)(1) and 95(H) are hereby amended and reenacted to read as
22 follows:

23 §30. First degree murder

24 * * *

25 B.(1) For the purposes of Paragraph (A)(2) of this Section, the term "peace
26 officer" means any peace officer, as defined in R.S. 40:2402, and includes any
27 constable, marshal, deputy marshal, sheriff, deputy sheriff, local or state policeman,
28 commissioned wildlife enforcement agent, federal law enforcement officer, jail or
29 prison guard, parole officer, probation officer, judge, attorney general, assistant
30 attorney general, attorney general's investigator, district attorney, assistant district

1 attorney, or district attorney's investigator, coroner, deputy coroner, or coroner
2 investigator.

3 * * *

4 §95. Illegal carrying of weapons

5 * * *

6 H. The provisions of this Section shall not prohibit active justices or judges
7 of the supreme court, courts of appeal, district courts, parish courts, juvenile courts,
8 family courts, city courts, federal courts domiciled in the state of Louisiana, and
9 traffic courts, constables, coroners, designated coroner investigators, district
10 attorneys and designated assistant district attorneys, United States attorneys and
11 assistant United States attorneys and investigators, and justices of the peace from
12 possessing and concealing a handgun on their person when the justice or judge,
13 constable, coroner, designated coroner investigators, district attorneys and
14 designated assistant district attorneys, United States attorneys and assistant United
15 States attorneys and investigators, or justices of the peace are certified by the
16 Council on Peace Officer Standards and Training.

17 * * *

18 Section 3. R.S. 17:2355.1 is hereby amended and reenacted to read as follows:

19 §2355.1. Search for document of anatomical gift; notification

20 A. The following persons shall make a reasonable search of a person
21 reasonably believed to be near death for a document of gift or other information
22 identifying the person as a donor or a person who has refused to make such a
23 donation:

24 (1) Any law enforcement officer, fireman, paramedic, or any other
25 emergency rescuer assisting the person.

26 (2) A coroner or his designee.

27 (3) Any hospital, as soon as practical after the arrival of the person.

28 B. Upon death of a person, a coroner or his designee shall make a
29 reasonable search of that person for a document of gift or other information as
30 a donor or a person who has refused to make such a donation.

1 C. If a document of gift or refusal to make an anatomical gift is located in
2 accordance with this Section, and the person or decedent to whom the document is
3 related is taken to a hospital, the document of gift or refusal shall be sent to the
4 hospital.

5 ~~C.~~ D. A person shall not be subject to criminal or civil liability for failing to
6 discharge the duties imposed by this Section but may be subject to administrative
7 sanctions.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____