

Regular Session, 2014

SENATE BILL NO. 402

BY SENATOR MILLS

CORONERS. Provide relative to coroners. (8/1/14)

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AN ACT

To amend and reenact R.S. 13:5713(A) and 5715(A), R.S. 14:30(B)(1), and 95(H), R.S. 17:2355.1, and R.S. 44:3(A), relative to coroners; to provide relative to duties; to provide relative to duties regarding paupers; to include coroners as peace officers for certain purposes; to provide for the carrying of concealed weapons by coroners; to provide relative to the search and disclosure of records by coroners; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:5713(A) and 5715(A), R.S. 14:30(B)(1), and 95(H), R.S. 17:2355.1, and R.S. 44:3(A) are hereby amended and reenacted to read as follows:

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

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

- (1) Suspicious, unexpected, or unusual deaths.
- (2) Sudden or violent deaths.
- (3) Deaths due to unknown or obscure causes or in any unusual manner.
- (4) Bodies found dead.

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

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

4 (7) ~~(6)~~ Deaths in which poison is suspected.

5 (8) ~~(7)~~ Any death from natural causes occurring in a hospital under twenty-
6 four hours admission unless seen by a physician in the last thirty-six hours.

7 (9) ~~(8)~~ Deaths following an injury or accident either old or recent.

8 (10) ~~(9)~~ Deaths due to drowning, hanging, burns, electrocution, gunshot
9 wounds, stabs or cutting, lightning, starvation, radiation, exposure, alcoholism,
10 addiction, tetanus, strangulation, suffocation, or smothering.

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

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

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

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

16 * * *

17 §5715. Delivery of body; ~~burial~~ **disposition** of paupers; anatomical gifts; kidney or
18 eye removal; limitation of liability

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

22 (2) The coroner shall arrange for the ~~burial~~ **disposition** of paupers, preferably
23 by a Louisiana licensed funeral home. The ~~burial~~ **disposition** expenses shall not
24 exceed the actual cost of the service, and shall be paid by the parish or municipality
25 in which the death occurred. However, such expenses for patients or residents of any
26 state-operated health care or treatment facility shall not be paid by the parish or
27 municipality in which the death occurred, but shall be paid by the state. The state or
28 any municipality or parish may establish a maximum amount which it shall pay for
29 individual ~~burial~~ **disposition** expenses.

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

§30. First degree murder

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

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§95. Illegal carrying of weapons

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

* * *

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

1 §2355.1. Search for document of anatomical gift; notification

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

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

8 (2) **A coroner or his designee.**

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

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

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

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

20 Section 4. R.S. 44:3(A) is hereby amended and reenacted to read as follows:

21 §3. Records of prosecutive, investigative, and law enforcement agencies, and
22 communications districts

23 A. Nothing in this Chapter shall be construed to require disclosures of
24 records, or the information contained therein, held by the offices of the attorney
25 general, district attorneys, sheriffs, **coroners**, police departments, Department of
26 Public Safety and Corrections, marshals, investigators, public health investigators,
27 correctional agencies, communications districts, intelligence agencies, or publicly
28 owned water districts of the state, which records are:

29 * * *

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by James Benton.

DIGEST

Mills (SB 402)

Present law provides that the coroner will either view the body or make an investigation into the cause and manner of death in all cases involving the following:

- (1) Suspicious, unexpected, or unusual deaths.
- (2) Sudden or violent deaths.
- (3) Deaths due to unknown or obscure causes or in any unusual manner.
- (4) Bodies found dead.
- (5) Deaths without an attending physician within thirty-six hours prior to the hour of death.
- (6) Deaths due to suspected suicide or homicide.
- (7) Deaths in which poison is suspected.
- (8) Any death from natural causes occurring in a hospital under twenty-four hours admission unless seen by a physician in the last thirty-six hours.
- (9) Deaths following an injury or accident either old or recent.
- (10) Deaths due to drowning, hanging, burns, electrocution, gunshot wounds, stabs or cutting, lightning, starvation, radiation, exposure, alcoholism, addiction, tetanus, strangulation, suffocation, or smothering.
- (11) Deaths due to trauma from whatever cause.
- (12) Deaths due to criminal means or by casualty.
- (13) Deaths in prison or while serving a sentence.
- (14) Deaths due to virulent contagious disease that might be caused by or cause a public hazard, including acquired immune deficiency syndrome.

Proposed law retains present law but removes the coroner's duty to investigate deaths without an attending physician 36 hours prior to the death.

Present law provides for the burial of paupers.

Proposed law retains present law but changes the term of use from burial to disposition.

Present law provides that the term "peace officer" for purposes of first degree murder means any peace officer, as defined in present law, and includes any constable, marshal, deputy marshal, sheriff, deputy sheriff, local or state policeman, commissioned wildlife enforcement agent, federal law enforcement officer, jail or prison guard, parole officer, probation officer, judge, attorney general, assistant attorney general, attorney general's investigator, district attorney, assistant district attorney, or district attorney's investigator.

Proposed law retains present law but adds any coroner, deputy coroner, or coroner

investigator to the list of individuals that would be considered a "peace officer".

Present law provides that the provisions of present law will not prohibit active justices or judges of the supreme court, courts of appeal, district courts, parish courts, juvenile courts, family courts, city courts, federal courts domiciled in the state of Louisiana, and traffic courts, constables, coroners, district attorneys and designated assistant district attorneys, United States attorneys and assistant United States attorneys and investigators, and justices of the peace from possessing and concealing a handgun on their person when the justice or judge, constable, coroner, district attorneys and designated assistant district attorneys, United States attorneys and assistant United States attorneys and investigators, or justices of the peace are POST certified.

Proposed law retains present law but adds coroner investigators to the list of individuals that may possess and conceal a handgun when they are POST certified.

Proposed law provides that the following persons will make a reasonable search. of a person reasonably believed to be near death for a document of post anatomical gift or other information identifying the person as a donor or a person who has refused to make such a donation:

- (1) Any law enforcement officer, fireman, paramedic, or any other emergency rescuer assisting the person.
- (2) Any hospital, as soon as practical after the arrival of the person.

Proposed law retains present law and adds a coroner or his designee to the list of individuals that must make a reasonable search.

Present law provides that nothing in present law will be construed to require disclosures of records, or the information contained therein, held by the offices of the attorney general, district attorneys, sheriffs, police departments, Department of Public Safety and Corrections, marshals, investigators, public health investigators, correctional agencies, communications districts, intelligence agencies, or publicly owned water districts of the state.

Proposed law retains present law but adds the records of coroners to the list of records not subject to disclosure.

Effective August 1, 2014.

(Amends R.S. 13:5713(A) and 5715(A), R.S. 14:30(B)(1) and 95(H), R.S. 17:2355.1, and R.S. 44:3 (A))