

IN THE SENATE

SENATE BILL NO. 1101

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO CORONERS; AMENDING SECTION 19-4301, IDAHO CODE, TO REMOVE PRO-  
2 VISIONS REGARDING WHEN A COUNTY CORONER SHALL INVESTIGATE A DEATH, TO  
3 PROVIDE FOR WHEN A COUNTY CORONER SHALL INVESTIGATE A DEATH, AND TO  
4 REVISE A PROVISION REGARDING THE DEATH OF A CHILD; AMENDING SECTION  
5 19-4301B, IDAHO CODE, TO PROVIDE FOR A FORENSIC PATHOLOGIST, TO DEFINE  
6 TERMS, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 28, TITLE  
7 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-2801A, IDAHO CODE, TO  
8 PROVIDE FOR THE POWERS AND DUTIES OF A COUNTY CORONER; AMENDING SECTION  
9 31-2808, IDAHO CODE, TO REVISE TERMINOLOGY; REPEALING SECTION 31-2809,  
10 IDAHO CODE, RELATING TO A CORONER APPOINTING DEPUTIES; AMENDING SECTION  
11 31-2810, IDAHO CODE, TO REVISE A PROVISION REGARDING CONTINUING EDUCA-  
12 TION REQUIREMENTS FOR CORONERS AND TO PROVIDE FOR SPONSORED OR APPROVED  
13 COURSES; AMENDING CHAPTER 28, TITLE 31, IDAHO CODE, BY THE ADDITION OF  
14 A NEW SECTION 31-2811, IDAHO CODE, TO DEFINE TERMS; AMENDING SECTION  
15 31-3107, IDAHO CODE, TO PROVIDE FOR CORONERS; AMENDING SECTION 34-622,  
16 IDAHO CODE, TO PROVIDE A CODE REFERENCE AND TO MAKE A TECHNICAL CORREC-  
17 TION; AMENDING SECTION 39-252, IDAHO CODE, TO PROVIDE A CODE REFERENCE;  
18 AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.  
19

20 Be It Enacted by the Legislature of the State of Idaho:

21 SECTION 1. That Section 19-4301, Idaho Code, be, and the same is hereby  
22 amended to read as follows:

23 19-4301. COUNTY CORONER TO INVESTIGATE DEATHS. (1) When a county coro-  
24 ner is informed that a person has died, the county coroner shall investigate  
25 that death if:

26 ~~(a) The death occurred as a result of violence, whether apparently by~~  
27 ~~homicide, suicide or by accident~~ The death is a suspected homicide, sui-  
28 cide, or occurring under suspicious or unknown circumstances;

29 ~~(b) The death occurred under suspicious or unknown circumstances~~ The  
30 death appears to be accidental or following an injury; or

31 ~~(c) The death was a result of suspected unlawful use of controlled sub-~~  
32 ~~stances or the use or abuse of chemicals or toxic agents;~~

33 ~~(d) The death occurred while the person was incarcerated in any jail or~~  
34 ~~correctional facility or the person was a ward of the state;~~

35 ~~(e) The death appears to be by disease, injury, or toxic agent during or~~  
36 ~~arising from employment;~~

37 ~~(f) The death was an unattended death that occurred outside of a physi-~~  
38 ~~cian's current care or hospice care;~~

39 ~~(g) The remains of the deceased are scientifically or visually uniden-~~  
40 ~~tifiable due to the remains being skeletal or charred;~~

41 ~~(h) The person was admitted to a hospital emergency room unconscious~~  
42 ~~and unresponsive, with or without cardiopulmonary resuscitative mea-~~

1        ures being performed, and died within twenty-four (24) hours of  
 2        admission without regaining consciousness or responsiveness, unless  
 3        a physician was in attendance within thirty-six (36) hours preceding  
 4        presentation to the hospital, or, in cases in which the decedent had a  
 5        pre-diagnosed terminal or bedfast condition, a physician was in atten-  
 6        dance within thirty (30) days preceding presentation to the hospital;

7        (i) The death may constitute a threat to public health; or  
 8        ~~(e)~~ (j) The death is of a stillborn child or any child if there is a  
 9        reasonable articulable suspicion to believe that the death occurred  
 10       without a known medical disease to account for the stillbirth or child's  
 11       death.

12       ~~(2) If a death occurs that is not attended by a physician and the cause~~  
 13 ~~of death cannot be certified by a physician, the coroner must refer the in-~~  
 14 ~~vestigation of the death to the sheriff of the county or the chief of po-~~  
 15 ~~lice of the city in which the incident causing the death occurred or, if such~~  
 16 ~~county or city is unknown, to the sheriff or chief of police of the county or~~  
 17 ~~city where the body was found. The investigation shall be the responsibil-~~  
 18 ~~ity of the sheriff or chief of police. Upon completion of the investigation,~~  
 19 ~~a written report shall be provided to the coroner of the county in which the~~  
 20 ~~death occurred or, if such county is unknown, to the coroner of the county~~  
 21 ~~where the body was found. If a death occurs that is not attended by a physi-~~  
 22 ~~cian and the cause of death cannot be certified by a physician, the coroner~~  
 23 ~~shall perform a medicolegal death investigation working with the sheriff of~~  
 24 ~~the county or the chief of police of the city in which the incident causing~~  
 25 ~~the death occurred or, if such county or city is unknown, to the sheriff or~~  
 26 ~~chief of police of the county or city where the body was found. The criminal~~  
 27 ~~investigation shall be the responsibility of the appropriate law enforce-~~  
 28 ~~ment agency. The medicolegal death investigation shall be the responsibil-~~  
 29 ~~ity of the coroner. Upon completion of the criminal investigation, a writ-~~  
 30 ~~ten report shall be provided to the coroner of the county in which the death~~  
 31 ~~occurred or, if such county is unknown, to the coroner of the county where~~  
 32 ~~the body was found, and the coroner's medicolegal death investigation report~~  
 33 ~~shall be given to the law enforcement agency responsible.~~

34       (3) A coroner in the county where the incident causing the death oc-  
 35       curred or, if such county is unknown, the coroner in the county where the body  
 36       was found, may conduct an inquest if there are reasonable grounds to believe  
 37       as a result of the investigation that the death occurred as provided in sub-  
 38       section (1) of this section.

39       (4) If an inquest is to be conducted, the coroner shall summon six (6)  
 40       persons qualified by law to serve as jurors for the inquest.

41       (5) Nothing in this section shall be construed to affect the tenets of  
 42       any church or religious belief.

43       SECTION 2. That Section 19-4301B, Idaho Code, be, and the same is hereby  
 44       amended to read as follows:

45       19-4301B. PERFORMANCE OF AUTOPSIES. (1) The coroner may, in the per-  
 46       formance of his duties under this chapter, summon a ~~person~~ forensic pathol-  
 47       ogist authorized to practice medicine and surgery in the state of Idaho to  
 48       inspect the body and give a professional opinion as to the cause of death.  
 49       The coroner or the prosecuting attorney may order ~~an~~ a forensic autopsy per-

1 formed if it is deemed necessary to determine accurately and scientifically  
 2 to determine the cause of death. Before an autopsy pursuant to this chapter  
 3 may be performed on the body of any person who at the time of death was under  
 4 eighteen (18) years of age, the coroner shall provide written notification  
 5 to the parent or guardian of such minor person that an autopsy has been or-  
 6 dered, a general description of the autopsy to be performed, and a general  
 7 description of the expected physical appearance of the body after the au-  
 8 topsy; provided that if the parent or guardian of such minor person is not  
 9 reasonably identifiable or ascertainable, then no such notice is required.  
 10 When ~~an~~ a forensic autopsy has been performed, pursuant to an order of a coro-  
 11 ner or a prosecuting attorney, no cause of action shall lie against any per-  
 12 son, firm, or corporation for participating in or requesting such autopsy.

13 (2) As used in this section:

14 (a) "Cause of death" means a medical opinion of the disease or injury  
 15 that resulted in a person's death.

16 (b) "Forensic autopsy" means an internal postmortem examination to  
 17 discover the cause and manner of death or the extent of disease, autho-  
 18 rized by law, and typically performed under the legal jurisdiction of a  
 19 coroner for criminal justice and public health purposes.

20 (c) "Forensic pathologist" means a physician who is board-certified in  
 21 the practice of medicine in which the principles of pathology are ap-  
 22 plied to problems of potential legal, public health, or public safety  
 23 significance, including the performance of autopsies to determine the  
 24 cause of death and assist in determining the manner of death.

25 SECTION 3. That Chapter 28, Title 31, Idaho Code, be, and the same is  
 26 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
 27 ignated as Section 31-2801A, Idaho Code, and to read as follows:

28 31-2801A. POWERS AND DUTIES. The county coroner, who shall be a medi-  
 29 colegal death investigator, is charged with the responsibility of determin-  
 30 ing or certifying the cause and manner of death for those deaths properly the  
 31 responsibility of the coroner. When a death is reported to the coroner, he  
 32 shall have jurisdiction over the human remains for the purpose of conducting  
 33 a medicolegal death investigation concerning the circumstances surrounding  
 34 the death of an individual, and he shall gather and review background infor-  
 35 mation, including but not limited to medical information and any other in-  
 36 formation, that may be helpful in determining or certifying the cause and  
 37 manner of death.

38 SECTION 4. That Section 31-2808, Idaho Code, be, and the same is hereby  
 39 amended to read as follows:

40 31-2808. MAKING FINAL DISPOSITION OF ~~DEAD HUMAN BODIES~~ REMAINS PRO-  
 41 HIBITED. No coroner or person acting as coroner who is a licensed funeral di-  
 42 rector or a licensed mortician, owner, proprietor, or employee of any estab-  
 43 lishment engaged in making final disposition of ~~dead human bodies~~ remains,  
 44 and no establishment with which such coroner or person acting as coroner is  
 45 associated, shall, except for ambulance services, perform any of the ser-  
 46 vices of a funeral director or mortician or furnish any materials connected  
 47 with or incidental to the final disposition of the ~~body~~ remains of any per-

1 son whose death is required by law to be investigated by such coroner or other  
 2 person acting in that capacity. Any person who violates this section shall  
 3 be guilty of a misdemeanor. Provided, however, that the provisions of this  
 4 section shall not be applicable in counties wherein there is only one (1) li-  
 5 censed funeral establishment or in counties with a population of fewer than  
 6 twenty thousand (20,000) people according to the most recent federal census.

7 SECTION 5. That Section 31-2809, Idaho Code, be, and the same is hereby  
 8 repealed.

9 SECTION 6. That Section 31-2810, Idaho Code, be, and the same is hereby  
 10 amended to read as follows:

11 31-2810. CONTINUING EDUCATION REQUIREMENTS. (1) After January 1,  
 12 2010, each county coroner shall complete twenty-four (24) hours of continu-  
 13 ing education on a biennial calendar basis.

14 (2) The For the purpose of each county coroner being certified, the  
 15 Idaho state association of county coroners shall either sponsor or provide  
 16 courses pursuant to this section and monitor this requirement.

17 (3) Sponsored or approved courses shall be approved by a nationally  
 18 recognized certifying body.

19 SECTION 7. That Chapter 28, Title 31, Idaho Code, be, and the same is  
 20 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
 21 ignated as Section 31-2811, Idaho Code, and to read as follows:

22 31-2811. DEFINITIONS. As used in this chapter:

23 (1) "Burial" means the interment or entombment of dead human bodies in  
 24 any manner.

25 (2) "Certified" means a procedure by which a third party gives written  
 26 assurance that a person, product, process, or service conforms to specific  
 27 requirements.

28 (3) "Coroner" means an elected or appointed official whose duty is to  
 29 conduct and oversee medicolegal death investigations, usually for a single  
 30 county, and ensure certification of cause and manner of death.

31 (4) "Cremation" means the reduction of human remains to bone fragments  
 32 in a certified crematory by means of incineration.

33 (5) "Human remains" means a lifeless human body or such parts of the hu-  
 34 man body or the bones thereof from the state of which it reasonably may be  
 35 concluded that death occurred or the body of a deceased person, including re-  
 36 mains following the process of cremation, alkaline hydrolysis, or natural  
 37 organic reduction. Human remains also include the body in any stage of de-  
 38 composition, including but not limited to skeletal remains.

39 (6) "Manner of death" means a classification system based on the cir-  
 40 cumstances under which death occurred, including accident, homicide, natu-  
 41 ral, suicide, and undetermined.

42 (7) "Medicolegal death investigator" means a person who conducts a  
 43 medicolegal death investigation.

44 (8) "Medicolegal death investigation" means a formal inquiry and ex-  
 45 amination, that may include fluid extraction, into the circumstances sur-  
 46 rounding the death of a human being where investigative information is con-

1 sidered with autopsy findings and adjunctive studies, if performed, to de-  
2 termine the cause and manner of death.

3 SECTION 8. That Section 31-3107, Idaho Code, be, and the same is hereby  
4 amended to read as follows:

5 31-3107. DEPUTIES AND ASSISTANTS -- APPOINTMENT AND COMPENSATION. The  
6 sheriff, the coroner, the assessor, the treasurer and ex officio tax collec-  
7 tor and the clerk of the district court and ex officio auditor and recorder  
8 shall be empowered by the board of county commissioners to appoint such  
9 deputies and clerical assistants as the business of their offices may re-  
10 quire, and deputies to receive such remuneration as may be fixed by said  
11 board of county commissioners, which remuneration shall be paid monthly in  
12 the same manner as the salaries of the county officers are paid.

13 SECTION 9. That Section 34-622, Idaho Code, be, and the same is hereby  
14 amended to read as follows:

15 34-622. ELECTION OF COUNTY CORONERS -- QUALIFICATIONS. (1) At the gen-  
16 eral election, 1986, and every four (4) years thereafter, a coroner shall be  
17 elected in every county.

18 (2) No person shall be elected to the office of coroner unless he has  
19 attained ~~the age of~~ twenty-one (21) years of age at the time of his election,  
20 is a citizen of the United States and shall have resided within the county one  
21 (1) year next preceding his election.

22 (3) Each candidate shall file his declaration of candidacy with the  
23 county clerk.

24 (4) Each candidate who files a declaration of candidacy shall at the  
25 same time pay a filing fee of forty dollars (\$40.00) which shall be deposited  
26 in the county treasury.

27 (5) All newly elected or appointed county coroners shall attend a coro-  
28 ner's school within one (1) year of taking office. Such school shall be spon-  
29 sored or endorsed by the Idaho state association of county coroners, pur-  
30 suant to section 31-2810, Idaho Code.

31 SECTION 10. That Section 39-252, Idaho Code, be, and the same is hereby  
32 amended to read as follows:

33 39-252. FEE FOR COPIES, SEARCHES AND OTHER SERVICES -- DEATH CERTIFI-  
34 CATES. (1) The state registrar shall be entitled to receive a fee of thir-  
35 teen dollars (\$13.00) for the making of certified copies of records or for  
36 a search of the files when no copies are made, provided that the national  
37 agency in charge of vital statistics may obtain copies or certifications of  
38 data from records without payment of fees, provided that the state incurs no  
39 expense in connection therewith. The fee shall be reviewed by the board of  
40 health and welfare, and future changes in the fee and enactment of fees for  
41 other services shall be established by rules adopted by the board.

42 (2) For each certified copy of a death certificate there shall be  
43 charged an additional fee of one dollar (\$1.00) to be deposited in the state  
44 treasurer's local government investment pool, a fund hereby created for the  
45 Idaho state association of county coroners. Such moneys shall be used for

1 the training of newly elected coroners and for the continuing education of  
2 county coroners and their deputies, pursuant to section 31-2810, Idaho Code.

3 SECTION 11. An emergency existing therefor, which emergency is hereby  
4 declared to exist, this act shall be in full force and effect on and after  
5 July 1, 2025.