

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

**INTRODUCED**

LLS NO. 03-0245.02 John Hershey

**SENATE BILL 03-166**

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**SENATE SPONSORSHIP**

**Teck,**

**HOUSE SPONSORSHIP**

**(None),**

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**Senate Committees**

**House Committees**

Health, Environment, Welfare & Institutions

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**A BILL FOR AN ACT**

101 **CONCERNING A SYSTEM OF REGIONAL MEDICAL EXAMINERS.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Eliminates the office of county coroner and creates the office of regional medical examiner.

Creates the state board of forensic pathology (board) in the department of public health and environment. Specifies the composition, qualifications, and manner of appointment and removal of members of the board.

Directs the board to adopt uniform standards for regional medical examiners to use in performing their duties. Directs the board to establish medical examiner regions in the state. Directs the governor to appoint a

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.*

forensic pathologist to serve as regional medical examiner (medical examiner) in each region. Specifies the term of office and qualifications of medical examiners.

Authorizes regional medical examiners to appoint associate medical examiners and death investigators.

Specifies the circumstances in which a medical examiner shall investigate a death. Authorizes the medical examiner to perform postmortem examinations. Entitles the medical examiner to receive information relevant to an investigation.

Directs the office of regional medical examiner to release organs for transplantation if no postmortem examination will be performed or if the removal of the organs will not interfere with the investigation or postmortem examination. Authorizes the regional medical examiner or associate medical examiner to request a biopsy of organs. Permits the regional medical examiner, associate medical examiner, or a designee to deny the release of an organ for transplantation only if the regional medical examiner, associate medical examiner, or a designee is present during the removal of the organ and finds that the organ is necessary to the determination of the cause and manner of death.

States that in cases where a medical examiner conducts an investigation, the certificate of death shall be issued by the medical examiner.

States that the act does not require an investigation or postmortem examination solely because a person died under treatment by prayer or spiritual means.

Requires counties to pay burial expenses in specified cases.

Permits the board to take disciplinary action against a medical examiner in specified circumstances and under a specified procedure.

Directs the counties in each medical examiner district to enter into intergovernmental agreements to share the costs of the office of regional medical examiner.

Makes legislative findings and declarations. Makes conforming amendments.

States that the act shall take effect only if the voters of the state adopt a constitutional amendment eliminating county coroners and surveyors and constitutionally created officers.

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

2 **SECTION 1.** 24-1-119, Colorado Revised Statutes, is amended

3 BY THE ADDITION OF A NEW SUBSECTION to read:

4 **24-1-119. Department of public health and environment -**

1 **creation.** (11) THE STATE BOARD OF FORENSIC PATHOLOGY, CREATED BY  
2 PART 13 OF ARTICLE 1 OF TITLE 25, C.R.S., SHALL EXERCISE ITS POWERS  
3 AND PERFORM ITS DUTIES AND FUNCTIONS UNDER THE DEPARTMENT OF  
4 PUBLIC HEALTH AND ENVIRONMENT AS IF IT WERE TRANSFERRED TO THAT  
5 DEPARTMENT BY A **TYPE 1** TRANSFER.

6 **SECTION 2.** Article 1 of title 25, Colorado Revised Statutes, is  
7 amended BY THE ADDITION OF A NEW PART to read:

8 PART 13

9 REGIONAL MEDICAL EXAMINERS

10 **25-1-1301. Legislative declaration.** THE GENERAL ASSEMBLY  
11 HEREBY FINDS AND DECLARES THAT THE CREATION OF A SYSTEM OF  
12 REGIONAL MEDICAL EXAMINERS AND A STATE BOARD OF FORENSIC  
13 PATHOLOGY WILL MODERNIZE THE PROCESS OF DEATH INVESTIGATION IN  
14 THE STATE OF COLORADO, ENSURE THAT DEATH INVESTIGATIONS ARE  
15 PERFORMED BY QUALIFIED AND CERTIFIED PEOPLE, AND MAINTAIN FISCAL  
16 RESPONSIBILITY.

17 **25-1-1302. State board of forensic pathology - qualifications -**  
18 **appointment - removal - definitions.** (1) THERE IS HEREBY CREATED A  
19 STATE BOARD OF FORENSIC PATHOLOGY, REFERRED TO IN THIS PART 13 AS  
20 THE "BOARD", COMPRISING ELEVEN MEMBERS AS FOLLOWS:

21 (a) THE FOLLOWING MEMBERS APPOINTED BY THE GOVERNOR:

22 (I) TWO FORENSIC PATHOLOGISTS WHO ARE ACTIVELY SERVING AS  
23 REGIONAL MEDICAL EXAMINERS APPOINTED PURSUANT TO SECTION  
24 25-1-1305;

25 (II) ONE MORTUARY SCIENCE PRACTITIONER AS DEFINED IN  
26 SECTION 12-54-103, C.R.S.;

27 (III) ONE REPRESENTATIVE OF A PROCUREMENT AGENCY AS

1 DEFINED IN SECTION 12-34-102 (7.5), C.R.S.;

2 (IV) ONE PHYSICIAN LICENSED UNDER THE "COLORADO MEDICAL  
3 PRACTICE ACT", ARTICLE 36 OF TITLE 12, C.R.S., WHO IS EXPERIENCED IN  
4 ORGAN TRANSPLANTATION;

5 (V) ONE DISTRICT ATTORNEY;

6 (VI) ONE SHERIFF;

7 (VII) ONE COUNTY COMMISSIONER;

8 (b) THE STATE PUBLIC DEFENDER OR A DEPUTY STATE PUBLIC  
9 DEFENDER DESIGNATED BY THE STATE PUBLIC DEFENDER;

10 (c) THE ATTORNEY GENERAL OR AN ATTORNEY EMPLOYED BY THE  
11 DEPARTMENT OF LAW AND DESIGNATED BY THE ATTORNEY GENERAL; AND

12 (d) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC  
13 HEALTH AND ENVIRONMENT OR AN EMPLOYEE OF THE DEPARTMENT  
14 DESIGNATED BY THE EXECUTIVE DIRECTOR.

15 (2) (a) THE FORENSIC PATHOLOGISTS AND THE MORTUARY SCIENCE  
16 PRACTITIONER SHALL BE APPOINTED TO THE BOARD FOR TERMS OF FOUR  
17 YEARS.

18 (b) THE DISTRICT ATTORNEY, SHERIFF, AND COUNTY  
19 COMMISSIONER SHALL BE APPOINTED TO THE BOARD FOR TERMS OF FOUR  
20 YEARS; EXCEPT THAT, IF A BOARD MEMBER LEAVES THE OFFICE OF  
21 DISTRICT ATTORNEY, SHERIFF, OR COUNTY COMMISSIONER, THE BOARD  
22 MEMBER'S APPOINTMENT SHALL TERMINATE.

23 (c) THE GOVERNOR MAY REMOVE ANY MEMBER OF THE BOARD  
24 APPOINTED PURSUANT TO PARAGRAPH (a) OF SUBSECTION (1) OF THIS  
25 SECTION FOR MISCONDUCT, INCOMPETENCE, OR NEGLECT OF DUTY.

26 (d) THE GOVERNOR SHALL FILL BY APPOINTMENT ANY VACANCY  
27 ON THE BOARD AMONG THE BOARD MEMBERS APPOINTED PURSUANT TO

1 PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION.

2 (3) AS USED IN THIS PART 13, "FORENSIC PATHOLOGIST" MEANS A  
3 PERSON WHO IS ELIGIBLE FOR CERTIFICATION OR CURRENTLY CERTIFIED IN  
4 FORENSIC PATHOLOGY BY THE AMERICAN BOARD OF PATHOLOGY, THE  
5 AMERICAN OSTEOPATHIC BOARD OF PATHOLOGY, OR ANOTHER CERTIFYING  
6 BODY APPROVED BY THE BOARD.

7 **25-1-1303. Powers and duties of board.** (1) IN ADDITION TO ITS  
8 OTHER DUTIES SET FORTH IN THIS PART 13, THE BOARD SHALL:

9 (a) ADOPT UNIFORM STANDARDS AND PROCEDURES TO BE USED BY  
10 REGIONAL MEDICAL EXAMINERS IN PERFORMING THEIR DUTIES UNDER THIS  
11 PART 13;

12 (b) MEET NO LESS THAN FOUR TIMES PER YEAR AND ELECT A  
13 CHAIRPERSON AND OTHER OFFICERS FROM AMONG ITS MEMBERS; AND

14 (c) SUBMIT ANNUAL REPORTS TO THE STATE BOARD OF HEALTH  
15 SUMMARIZING THE ACTIVITIES OF THE REGIONAL MEDICAL EXAMINERS  
16 APPOINTED PURSUANT TO THIS PART 13.

17 **25-1-1304. Medical examiner regions.** (1) THE BOARD SHALL  
18 ESTABLISH MEDICAL EXAMINER REGIONS WITHIN THE STATE. IN  
19 DETERMINING THE BOUNDARIES OF THE REGIONS, THE BOARD MAY  
20 CONSIDER POPULATION, GEOGRAPHY, AVAILABILITY OF QUALIFIED  
21 PERSONNEL, DEATH RATE, BOUNDARIES OF JUDICIAL DISTRICTS, AND  
22 OTHER FACTORS.

23 (2) EVERY COUNTY SHALL BE WITHIN A MEDICAL EXAMINER  
24 REGION. NO COUNTY SHALL BE DIVIDED IN THE CREATION OF THE REGIONS.

25 (3) CHANGES IN THE BOUNDARIES OF A MEDICAL EXAMINER  
26 REGION MAY TAKE EFFECT ONLY UPON THE EXPIRATION OF THE TERM OF  
27 THE REGIONAL MEDICAL EXAMINER.

1           **25-1-1305. Regional medical examiners - appointment -**

2           **qualifications.** (1) THE GOVERNOR SHALL APPOINT A REGIONAL MEDICAL  
3 EXAMINER FOR EACH MEDICAL EXAMINER REGION FROM QUALIFIED  
4 PERSONS NOMINATED BY THE BOARD.

5           (2) THE TERM OF OFFICE OF EACH REGIONAL MEDICAL EXAMINER  
6 SHALL BE THREE YEARS. THE TERM OF OFFICE OF THE FIRST MEDICAL  
7 EXAMINERS APPOINTED AFTER THE EFFECTIVE DATE OF THIS PART 13 SHALL  
8 COMMENCE ON JANUARY 10, 2006.

9           (3) (a) A REGIONAL MEDICAL EXAMINER SHALL BE A FORENSIC  
10 PATHOLOGIST, A PHYSICIAN LICENSED UNDER THE "COLORADO MEDICAL  
11 PRACTICE ACT", ARTICLE 36 OF TITLE 12, C.R.S., AND A RESIDENT OF THE  
12 MEDICAL EXAMINER REGION.

13           (b) A REGIONAL MEDICAL EXAMINER WHO MEETS THE OTHER  
14 QUALIFICATIONS OF PARAGRAPH (a) OF THIS SUBSECTION (3) NEED NOT BE  
15 A FORENSIC PATHOLOGIST IF HE OR SHE PERFORMED ONE OR MORE  
16 POSTMORTEM EXAMINATIONS FOR A COUNTY IN THIS STATE BEFORE THE  
17 EFFECTIVE DATE OF THIS PART 13.

18           (4) BEFORE ENTERING THE OFFICE, EACH REGIONAL MEDICAL  
19 EXAMINER SHALL GIVE BOND TO THE PEOPLE OF THE STATE OF COLORADO  
20 OF NOT LESS THAN TWENTY-FIVE THOUSAND DOLLARS, WITH SUFFICIENT  
21 SURETIES, TO BE APPROVED BY THE BOARD AND FILED WITH THE BOARD.

22           **25-1-1306. Office of the regional medical examiner - associate**

23           **medical examiners - death investigators.** (1) A REGIONAL MEDICAL  
24 EXAMINER MAY APPOINT ASSOCIATE MEDICAL EXAMINERS, DEATH  
25 INVESTIGATORS, AND OTHER NECESSARY STAFF, WHO SHALL SERVE AT THE  
26 PLEASURE OF THE REGIONAL MEDICAL EXAMINER. APPOINTMENTS OF  
27 ASSOCIATE MEDICAL EXAMINERS AND DEATH INVESTIGATORS AND

1 REVOCATIONS THEREOF SHALL BE MADE IN WRITING, SIGNED BY THE  
2 REGIONAL MEDICAL EXAMINER, AND FILED WITH THE BOARD. ANY ACT OF  
3 AN ASSOCIATE MEDICAL EXAMINER OR A DEATH INVESTIGATOR SHALL BE  
4 DONE IN THE NAME OF THE REGIONAL MEDICAL EXAMINER.

5 (2) AN ASSOCIATE MEDICAL EXAMINER SHALL BE A RESIDENT OF  
6 THE MEDICAL EXAMINER REGION, A PHYSICIAN LICENSED UNDER THE  
7 "COLORADO MEDICAL PRACTICE ACT", ARTICLE 36 OF TITLE 12, C.R.S.,  
8 AND A PATHOLOGIST CERTIFIED BY THE AMERICAN BOARD OF PATHOLOGY,  
9 THE AMERICAN OSTEOPATHIC BOARD OF PATHOLOGY, OR ANOTHER  
10 CERTIFYING BODY APPROVED BY THE BOARD.

11 (3) THE BOARD MAY ESTABLISH QUALIFICATIONS FOR DEATH  
12 INVESTIGATORS.

13 (4) SALARIES, EXPENSES, AND OTHER COSTS OF OPERATING THE  
14 OFFICE OF THE REGIONAL MEDICAL EXAMINER SHALL BE PAID BY THE  
15 COUNTIES IN THE MEDICAL EXAMINER REGION PURSUANT TO THE  
16 INTERGOVERNMENTAL AGREEMENT NEGOTIATED IN ACCORDANCE WITH  
17 SECTION 25-1-1313.

18 (5) REGIONAL MEDICAL EXAMINERS AND ASSOCIATE MEDICAL  
19 EXAMINERS MAY ENGAGE IN THE PRIVATE PRACTICE OF MEDICINE UNLESS  
20 THE PRIVATE PRACTICE INTERFERES WITH THEIR DUTIES UNDER THIS PART  
21 13.

22 **25-1-1307. Conflict of interest.** (1) A REGIONAL MEDICAL  
23 EXAMINER, ASSOCIATE MEDICAL EXAMINER, OR DEATH INVESTIGATOR WHO  
24 OWNS, OPERATES, IS EMPLOYED BY, OR OTHERWISE HAS AN INTEREST IN A  
25 FUNERAL ESTABLISHMENT AS DEFINED IN SECTION 12-54-103 (2), C.R.S.,  
26 IS DEEMED TO HAVE A CONFLICT OF INTEREST AND SHALL NOT DIRECT  
27 BUSINESS TO SUCH ESTABLISHMENT WHEN PERFORMING DUTIES UNDER

1 THIS PART 13.

2 (2) NOTHING IN THIS SECTION SHALL PREVENT A PERSON FROM  
3 TAKING THE BODY OF A DECEASED PERSON TO A FUNERAL ESTABLISHMENT  
4 IN WHICH THE REGIONAL MEDICAL EXAMINER, ASSOCIATE MEDICAL  
5 EXAMINER, OR DEATH INVESTIGATOR HAS AN INTEREST IF THE PERSON  
6 DECIDES TO DO SO WITHOUT THE SUGGESTION OF THE REGIONAL MEDICAL  
7 EXAMINER, ASSOCIATE MEDICAL EXAMINER, OR DEATH INVESTIGATOR.

8 (3) THIS SECTION SHALL NOT APPLY IF AN EMERGENCY SITUATION  
9 EXISTS AND THE REGIONAL MEDICAL EXAMINER, ASSOCIATE MEDICAL  
10 EXAMINER, OR DEATH INVESTIGATOR ACTS IN GOOD FAITH TO PREVENT A  
11 HEALTH HAZARD.

12 (4) ANY PERSON WHO KNOWINGLY VIOLATES THIS SECTION  
13 COMMITS A CLASS 2 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED  
14 IN SECTION 18-1.3-501, C.R.S.

15 **25-1-1308. Regional medical examiners - duties - inquiry.**

16 (1) A REGIONAL MEDICAL EXAMINER, ASSOCIATE MEDICAL EXAMINER, OR  
17 DEATH INVESTIGATOR MAY DECLARE A PERSON DEAD IF THE PERSON HAS  
18 SUSTAINED IRREVERSIBLE CESSATION OF CIRCULATORY AND RESPIRATORY  
19 FUNCTION.

20 (2) A REGIONAL MEDICAL EXAMINER SHALL IMMEDIATELY  
21 PROCEED TO VIEW THE BODY AND MAKE ALL PROPER INQUIRY RESPECTING  
22 THE CAUSE AND MANNER OF DEATH OF ANY PERSON IN THE MEDICAL  
23 EXAMINER REGION WHO HAS DIED UNDER ANY OF THE FOLLOWING  
24 CIRCUMSTANCES:

- 25 (a) HOMICIDE;
- 26 (b) SUICIDE;
- 27 (c) ACCIDENT;



1 (d) FROM A DISEASE THAT MAY BE HAZARDOUS OR CONTAGIOUS OR  
2 THAT MAY CONSTITUTE A THREAT TO THE HEALTH OF THE GENERAL  
3 PUBLIC;

4 (e) WHILE IN THE CUSTODY OF LAW ENFORCEMENT OFFICIALS OR  
5 WHILE INCARCERATED IN A PUBLIC INSTITUTION;

6 (f) WHEN THE DEATH WAS SUDDEN AND HAPPENED TO A PERSON  
7 WHO WAS IN GOOD HEALTH;

8 (g) FROM COMPLICATIONS OF A DIAGNOSTIC OR THERAPEUTIC  
9 PROCEDURE; OR

10 (h) AT A WORKPLACE.

11 (3) A REGIONAL MEDICAL EXAMINER MAY REQUEST THAT  
12 JURISDICTION OF ANY SUCH DEATH BE TRANSFERRED TO THE MEDICAL  
13 EXAMINER OF ANOTHER MEDICAL EXAMINER REGION, WITH THE  
14 JURISDICTION EFFECTIVE UPON ACCEPTANCE BY THE RECEIVING MEDICAL  
15 EXAMINER. THE TRANSFER SHALL BE IN WRITING, AND A COPY SHALL BE  
16 MAINTAINED IN THE OFFICES OF THE TRANSFERRING AND RECEIVING  
17 MEDICAL EXAMINERS.

18 (4) WHEN A PERSON DIES AS A RESULT OF CIRCUMSTANCES  
19 SPECIFIED IN SUBSECTION (2) OF THIS SECTION OR IS FOUND DEAD AND THE  
20 CAUSE OF DEATH IS UNKNOWN, THE PERSON WHO DISCOVERS THE DEATH  
21 SHALL REPORT IT IMMEDIATELY TO LAW ENFORCEMENT OFFICIALS OR THE  
22 REGIONAL MEDICAL EXAMINER, AND THE MEDICAL EXAMINER SHALL TAKE  
23 LEGAL CUSTODY OF THE BODY. THE BODY OF ANY SUCH PERSON SHALL  
24 NOT BE REMOVED FROM THE PLACE OF DEATH EXCEPT UPON THE  
25 AUTHORITY OF THE MEDICAL EXAMINER IN CONSULTATION WITH THE  
26 LOCAL LAW ENFORCEMENT AGENCY, NOR SHALL ANY ARTICLE ON OR  
27 IMMEDIATELY SURROUNDING THE BODY BE DISTURBED UNTIL AUTHORIZED

1 BY THE MEDICAL EXAMINER IN CONSULTATION WITH THE LOCAL LAW  
2 ENFORCEMENT AGENCY.

3 **25-1-1309. Postmortem examination.** (1) A REGIONAL MEDICAL  
4 EXAMINER OR ASSOCIATE MEDICAL EXAMINER MAY IN HIS OR HER  
5 DISCRETION PERFORM A POSTMORTEM EXAMINATION OF THE BODY OF THE  
6 DECEASED TO DETERMINE THE CAUSE OF DEATH.

7 (2) SUBJECT TO SUBSECTION (3) OF THIS SECTION, THE OFFICE OF  
8 REGIONAL MEDICAL EXAMINER SHALL RELEASE THE ORGANS OF THE  
9 DECEASED AT THE REQUEST OF A PROCUREMENT AGENCY AS DEFINED IN  
10 SECTION 12-34-102 (7.5), C.R.S., WITHIN THE TIME NECESSARY TO  
11 PRESERVE THE ORGANS OR TISSUES FOR TRANSPLANTATION IF:

12 (a) A POSTMORTEM EXAMINATION WILL NOT BE PERFORMED  
13 PURSUANT TO THIS SECTION; OR

14 (b) A POSTMORTEM EXAMINATION WILL BE PERFORMED PURSUANT  
15 TO THIS SECTION AND THE REGIONAL MEDICAL EXAMINER OR ASSOCIATE  
16 MEDICAL EXAMINER DETERMINES THAT THE REMOVAL OF ORGANS FOR  
17 TRANSPLANTATION WILL NOT INTERFERE WITH THE INVESTIGATION OR  
18 POSTMORTEM EXAMINATION.

19 (3) THE REGIONAL MEDICAL EXAMINER, ASSOCIATE MEDICAL  
20 EXAMINER, OR A PERSON DESIGNATED BY THE REGIONAL MEDICAL  
21 EXAMINER OR THE ASSOCIATE MEDICAL EXAMINER MAY REQUEST A BIOPSY  
22 OF AN ORGAN THAT IS REQUESTED BY A PROCUREMENT AGENCY, AS  
23 DEFINED IN SECTION 12-34-102 (7.5), C.R.S. THE REGIONAL MEDICAL  
24 EXAMINER, THE ASSOCIATE MEDICAL EXAMINER, OR DESIGNEE MAY DENY  
25 THE RELEASE ONLY IF THE REGIONAL MEDICAL EXAMINER, THE ASSOCIATE  
26 MEDICAL EXAMINER, OR DESIGNEE IS PRESENT DURING THE REMOVAL OF  
27 THE ORGAN AND FINDS THAT THE ORGAN IS NECESSARY TO THE

1 DETERMINATION OF THE CAUSE AND MANNER OF DEATH. IF THE RELEASE  
2 IS DENIED, THE REGIONAL MEDICAL EXAMINER SHALL, WITHIN TWO WEEKS  
3 AFTER THE DATE OF THE DENIAL, SUBMIT TO THE PROCUREMENT AGENCY  
4 A WRITTEN REPORT DESCRIBING THE REASON FOR THE DENIAL OF RELEASE  
5 OF EACH ORGAN.

6 **25-1-1310. Information - certificate of death - spiritual**  
7 **treatment.** (1) (a) NOTWITHSTANDING THE PROVISIONS OF SECTIONS  
8 12-43-218 AND 13-90-107 (1) (d) OR (1) (g), C.R.S., A REGIONAL MEDICAL  
9 EXAMINER HOLDING AN INVESTIGATION PURSUANT TO THIS PART 13 HAS  
10 THE AUTHORITY TO REQUEST AND RECEIVE A COPY OF:

11 (I) ANY AUTOPSY REPORT OR MEDICAL INFORMATION FROM ANY  
12 PATHOLOGIST, PHYSICIAN, DENTIST, HOSPITAL, OR HEALTH CARE PROVIDER  
13 OR INSTITUTION IF THE REPORT OR INFORMATION IS RELEVANT TO THE  
14 INVESTIGATION; AND

15 (II) ANY INFORMATION, RECORD, OR REPORT RELATED TO  
16 TREATMENT, CONSULTATION, COUNSELING, OR THERAPY SERVICES FROM  
17 ANY LICENSED PSYCHOLOGIST, PROFESSIONAL COUNSELOR, MARRIAGE AND  
18 FAMILY THERAPIST, SOCIAL WORKER, ADDICTION COUNSELOR, OR  
19 UNLICENSED PSYCHOTHERAPIST IF THE REPORT, RECORD, OR INFORMATION  
20 IS RELEVANT TO THE INVESTIGATION.

21 (b) THE REGIONAL MEDICAL EXAMINER SHALL, AT THE REQUEST OF  
22 THE DISTRICT ATTORNEY OR ATTORNEY GENERAL, RELEASE TO THE  
23 DISTRICT ATTORNEY OR ATTORNEY GENERAL ANY AUTOPSY REPORT OR  
24 MEDICAL INFORMATION DESCRIBED IN SUBPARAGRAPH (I) OF PARAGRAPH  
25 (a) OF THIS SUBSECTION (1) THAT THE MEDICAL EXAMINER OBTAINS  
26 PURSUANT TO SAID PARAGRAPH (a).

27 (c) THE REGIONAL MEDICAL EXAMINER SHALL NOT RELEASE TO

1 ANY PERSON ANY INFORMATION, RECORD, OR REPORT DESCRIBED IN  
2 SUBPARAGRAPH (II) OF PARAGRAPH (a) OF THIS SUBSECTION (1) THAT THE  
3 MEDICAL EXAMINER OBTAINS PURSUANT TO SAID PARAGRAPH (a).

4 (d) ANY PERSON WHO COMPLIES WITH A REQUEST FROM A  
5 REGIONAL MEDICAL EXAMINER PURSUANT TO PARAGRAPH (a) OF THIS  
6 SUBSECTION (1) SHALL BE IMMUNE FROM ANY CIVIL OR CRIMINAL  
7 LIABILITY THAT MIGHT OTHERWISE BE INCURRED OR IMPOSED WITH  
8 RESPECT TO THE DISCLOSURE OF CONFIDENTIAL PATIENT OR CLIENT  
9 INFORMATION.

10 (2) (a) IN ALL CASES WHERE THE REGIONAL MEDICAL EXAMINER  
11 HAS HELD AN INVESTIGATION, THE CERTIFICATE OF DEATH SHALL BE  
12 ISSUED BY THE MEDICAL EXAMINER.

13 (b) ANY CERTIFICATE OF DEATH ISSUED BY A REGIONAL MEDICAL  
14 EXAMINER SHALL BE FILED WITH THE STATE REGISTRAR OF VITAL  
15 STATISTICS AND SHALL STATE THE MEDICAL EXAMINER'S FINDINGS  
16 CONCERNING THE NATURE OF THE DISEASE OR THE CAUSE AND MANNER OF  
17 DEATH. THE CERTIFICATE SHALL STATE WHETHER IN THE MEDICAL  
18 EXAMINER'S OPINION THE CAUSE OF THE DEATH WAS ACCIDENT, HOMICIDE,  
19 SUICIDE, NATURAL, OR UNDETERMINED. IN ADDITION, THE CERTIFICATE  
20 SHALL INCLUDE THE INFORMATION DESCRIBED IN SECTION 25-2-103 (3) (b)  
21 WHENEVER THE SUBJECT OF THE INVESTIGATION IS UNDER ONE YEAR OF  
22 AGE.

23 (3) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE  
24 AN INVESTIGATION OR POSTMORTEM EXAMINATION IN ANY CASE WHERE  
25 DEATH OCCURRED WITHOUT MEDICAL ATTENDANCE SOLELY BECAUSE THE  
26 DECEASED WAS UNDER TREATMENT BY PRAYER OR SPIRITUAL MEANS  
27 ALONE IN ACCORDANCE WITH THE TENETS AND PRACTICES OF A

1 WELL-RECOGNIZED CHURCH OR RELIGIOUS DENOMINATION.

2           **25-1-1311. Burial expenses - when paid by county.** THE  
3 REGIONAL MEDICAL EXAMINER SHALL CAUSE THE BODY OF A DECEASED  
4 PERSON THAT THE MEDICAL EXAMINER IS CALLED TO VIEW TO BE  
5 DELIVERED TO THE NEXT OF KIN, FAMILY, OR FRIENDS, IF THERE ARE ANY,  
6 BUT IF NOT THE MEDICAL EXAMINER SHALL CAUSE THE DECEASED PERSON  
7 TO BE DECENTLY BURIED, THE EXPENSES TO BE PAID FROM ANY PROPERTY  
8 FOUND WITH THE BODY, OR, IF THERE IS NONE, FROM THE TREASURY OF  
9 THE COUNTY IN WHICH THE PERSON DIED. THE MEDICAL EXAMINER SHALL  
10 CERTIFY AN ACCOUNT OF THE EXPENSES TO THE BOARD OF COUNTY  
11 COMMISSIONERS, WHICH SHALL PAY THE EXPENSES AS OTHER CLAIMS ON  
12 THE COUNTY.

13           **25-1-1312. Disciplinary action.** (1) IN THE MANNER PROVIDED  
14 BY SUBSECTION (2) OF THIS SECTION, THE BOARD MAY REPRIMAND, PLACE  
15 ON PROBATION, SUSPEND, OR REMOVE A REGIONAL MEDICAL EXAMINER  
16 FOR:

17           (a) FAILURE TO COMPLY WITH THE PROVISIONS OF THIS PART 13 OR  
18 THE RULES OF THE BOARD;

19           (b) MISUSE OR MISAPPROPRIATION OF PUBLIC MONEYS OR  
20 PROPERTY;

21           (c) BEING CONVICTED OF OR ENTERING A PLEA OF GUILTY OR NOLO  
22 CONTENDERE FOR A CRIME THAT IS DIRECTLY RELATED TO THE DUTIES OF  
23 THE REGIONAL MEDICAL EXAMINER OR THE ABILITY TO PERFORM THOSE  
24 DUTIES;

25           (d) DISCIPLINARY ACTION AGAINST THE REGIONAL MEDICAL  
26 EXAMINER BY ANY STATE BOARD LICENSING THE MEDICAL EXAMINER AS  
27 A PHYSICIAN;

1           (e) HAVING A FINANCIAL INTEREST IN ANY FUNERAL  
2 ESTABLISHMENT OR TRANSPORTATION SERVICE THAT DOES BUSINESS WITH  
3 THE OFFICE OF THE REGIONAL MEDICAL EXAMINER;

4           (f) A MATERIAL MISREPRESENTATION OF THE REGIONAL MEDICAL  
5 EXAMINER'S EDUCATION, TRAINING, EXPERIENCE, OR EXPERTISE;

6           (g) A MATERIAL MISREPRESENTATION OF THE INFORMATION ON  
7 WHICH AN OPINION OR CONCLUSION AS A REGIONAL MEDICAL EXAMINER  
8 IS BASED; OR

9           (h) NEGLIGENCE OR THE FAILURE TO PERFORM THE DUTIES OF A  
10 REGIONAL MEDICAL EXAMINER WITH THE LEVEL OF CARE OR SKILL THAT  
11 IS RECOGNIZED BY REASONABLY PRUDENT MEDICAL EXAMINERS AS  
12 ACCEPTABLE UNDER SIMILAR CONDITIONS AND CIRCUMSTANCES.

13           (2) (a) THE BOARD SHALL INVESTIGATE ANY COMPLAINT FILED  
14 WITH IT IF THE COMPLAINT IS IN WRITING, SIGNED BY THE COMPLAINANT,  
15 AND LEGALLY SUFFICIENT. A COMPLAINT IS LEGALLY SUFFICIENT IF IT  
16 ALLEGES FACTS THAT SHOW A VIOLATION OF THIS PART 13 OR THE RULES  
17 OF THE BOARD.

18           (b) THE BOARD MAY INVESTIGATE AND TAKE ACTION ON A  
19 COMPLAINT EVEN IF THE COMPLAINANT WITHDRAWS THE COMPLAINT.  
20 NOTWITHSTANDING PARAGRAPH (a) OF THIS SUBSECTION (2), THE BOARD  
21 MAY INVESTIGATE A COMPLAINT FROM A CONFIDENTIAL INFORMANT IF THE  
22 COMPLAINT IS LEGALLY SUFFICIENT AND THE BOARD DETERMINES THAT  
23 THE ALLEGED VIOLATION IS SERIOUS.

24           (c) WHEN THE BOARD COMMENCES AN INVESTIGATION OF A  
25 REGIONAL MEDICAL EXAMINER OR ASSOCIATE MEDICAL EXAMINER, THE  
26 BOARD SHALL NOTIFY THE PERSON AGAINST WHOM THE COMPLAINT WAS  
27 FILED OF THE SUBSTANCE OF THE ALLEGATIONS, UNLESS THE CHAIRPERSON

1 OF THE BOARD DETERMINES THAT NOTICE WOULD BE DETRIMENTAL TO THE  
2 INVESTIGATION. NOTICE IS NOT REQUIRED IF THE CONDUCT UNDER  
3 INVESTIGATION IS A CRIME.

4 (3) (a) THE BOARD SHALL COMMENCE AN INVESTIGATION BY  
5 APPOINTING A PROBABLE CAUSE PANEL OF THREE MEMBERS OF THE BOARD,  
6 ONE OF WHOM SHALL BE A REGIONAL MEDICAL EXAMINER.

7 (b) THE PROBABLE CAUSE PANEL SHALL DETERMINE WITHIN  
8 THIRTY DAYS WHETHER PROBABLE CAUSE EXISTS. THE CHAIRPERSON OF  
9 THE BOARD MAY GRANT THIRTY-DAY EXTENSIONS OF THE TIME LIMIT.

10 (c) ALL PROCEEDINGS AND FINDINGS OF THE PROBABLE CAUSE  
11 PANEL SHALL BE CONFIDENTIAL AND MAY NOT BE DISCLOSED TO ANY  
12 PERSON WHO IS NOT A MEMBER OF THE BOARD UNLESS THE PERSON UNDER  
13 INVESTIGATION WAIVES CONFIDENTIALITY; EXCEPT THAT THE BOARD MAY  
14 DISCLOSE SUCH INFORMATION AT ANY TIME TO A LAW ENFORCEMENT  
15 AGENCY.

16 (d) IF THE PROBABLE CAUSE PANEL FINDS THAT PROBABLE CAUSE  
17 EXISTS, THE BOARD SHALL CONSIDER THE MATTER. A FORMAL HEARING  
18 BEFORE AN ADMINISTRATIVE LAW JUDGE SHALL BE CONDUCTED UNLESS  
19 ALL PARTIES AGREE IN WRITING THAT THERE IS NO ISSUE OF MATERIAL  
20 FACT.

21 (e) THE BOARD SHALL ADOPT A FINAL ORDER IN THE  
22 INVESTIGATION, WITH THE MEMBERS OF THE PROBABLE CAUSE PANEL  
23 EXCUSED FROM VOTING. THE ORDER OF THE BOARD SHALL CONSTITUTE  
24 FINAL AGENCY ACTION. ANY CONSENT ORDER OR AGREED SETTLEMENT  
25 SHALL BE APPROVED BY THE BOARD.

26 (f) THE BOARD SHALL PERIODICALLY NOTIFY THE COMPLAINANT  
27 OF THE STATUS OF THE INVESTIGATION, WHETHER PROBABLE CAUSE WAS

1 FOUND, AND THE STATUS OF ANY CIVIL ACTION, ADMINISTRATIVE  
2 PROCEEDING, OR APPEAL.

3 (4) A COMPLAINANT OR WITNESS IN AN INVESTIGATION CONDUCTED  
4 PURSUANT TO THIS SECTION SHALL BE PRIVILEGED FROM CIVIL LIABILITY  
5 WITH REGARD TO INFORMATION PROVIDED DURING THE INVESTIGATION,  
6 UNLESS THE COMPLAINANT OR WITNESS ACTED IN BAD FAITH OR WITH  
7 MALICE IN PROVIDING THE INFORMATION.

8 **25-1-1313. Intergovernmental agreements - salary - expenses**  
9 **- facilities.** (1) (a) THE COUNTIES IN EACH MEDICAL EXAMINER REGION  
10 AND THE REGIONAL MEDICAL EXAMINER SHALL ENTER INTO AN  
11 INTERGOVERNMENTAL AGREEMENT TO SHARE THE COSTS OF THE OFFICE OF  
12 THE REGIONAL MEDICAL EXAMINER.

13 (b) THE INTERGOVERNMENTAL AGREEMENT MAY PROVIDE FOR THE  
14 REGIONAL MEDICAL EXAMINER TO USE LABORATORY FACILITIES OR OTHER  
15 PROPERTY OF A COUNTY IN THE MEDICAL EXAMINER REGION.

16 (c) PURSUANT TO THE INTERGOVERNMENTAL AGREEMENT, THE  
17 REGIONAL MEDICAL EXAMINER, ASSOCIATE MEDICAL EXAMINERS, AND  
18 DEATH INVESTIGATORS SHALL BE REIMBURSED FOR TRAVEL TO AND FROM  
19 A PLACE OF INVESTIGATION OR TO ANY LEGAL PROCEEDING INVOLVING A  
20 DEATH INVESTIGATED BY THE OFFICE OF THE REGIONAL MEDICAL  
21 EXAMINER AS FOLLOWS:

22 (I) REIMBURSEMENT FOR ACTUAL AND NECESSARY MILEAGE AT A  
23 RATE OF NO LESS THAN TWENTY CENTS PER MILE NOR MORE THAN THE  
24 STANDARD MILEAGE RATE ALLOWED UNDER 26 U.S.C. SEC. 162, AS  
25 AMENDED, AND REGULATIONS PROMULGATED THEREUNDER; AND

26 (II) REIMBURSEMENT FOR ACTUAL AND NECESSARY LODGING,  
27 SUBSISTENCE, AND INCIDENTAL EXPENSES AS DEFINED BY THE



1 INTERGOVERNMENTAL AGREEMENT.

2 (d) IF THE COUNTIES OF A MEDICAL EXAMINER REGION FAIL TO  
3 ENTER INTO AN INTERGOVERNMENTAL AGREEMENT PURSUANT TO THIS  
4 SUBSECTION (1) BEFORE THE BEGINNING OF ANY FISCAL YEAR, THE BOARD  
5 MAY DETERMINE THE SHARE OF THE COSTS OF THE REGION TO BE PAID BY  
6 EACH COUNTY IN THE REGION.

7 (2) THE REGIONAL MEDICAL EXAMINER SHALL SUBMIT AN ANNUAL  
8 BUDGET TO THE BOARDS OF COUNTY COMMISSIONERS OF EACH COUNTY IN  
9 THE MEDICAL EXAMINER REGION.

10 (3) IF A REGIONAL MEDICAL EXAMINER PERFORMS AN INQUIRY OR  
11 POSTMORTEM EXAMINATION ON THE BODY OF A PERSON WHO DIED  
12 OUTSIDE THE MEDICAL EXAMINER REGION, THE GOVERNMENTAL ENTITY  
13 REQUESTING THE INQUIRY OR EXAMINATION SHALL PAY THE FEE FOR THE  
14 SERVICES.

15 (4) IF A REGIONAL MEDICAL EXAMINER PERFORMS AN INQUIRY OR  
16 POSTMORTEM EXAMINATION ON THE BODY OF A PERSON WHO DIED WHILE  
17 IN THE CUSTODY OF A FACILITY OR INSTITUTION OPERATED BY A STATE  
18 AGENCY, THE STATE AGENCY SHALL PAY THE FEE FOR THE SERVICES AND  
19 ANY COSTS TO TRANSPORT THE BODY TO THE MEDICAL EXAMINER.

20 **25-1-1314. Transitional provisions - repeal.** (1) THE BOARD  
21 SHALL ESTABLISH MEDICAL EXAMINER REGIONS NO LATER THAN THE FIRST  
22 DAY OF JULY NEXT FOLLOWING THE EFFECTIVE DATE OF THIS PART 13.

23 (2) ON OR BEFORE JANUARY 10, 2006, THE CORONER OF EACH  
24 COUNTY SHALL TRANSFER ALL OFFICIAL RECORDS MAINTAINED BY THE  
25 CORONER TO THE CUSTODY OF THE REGIONAL MEDICAL EXAMINER FOR THE  
26 MEDICAL EXAMINER REGION IN WHICH THE COUNTY IS LOCATED.

27 (3) THIS SECTION IS REPEALED, EFFECTIVE FEBRUARY 1, 2006.

1           **SECTION 3.** 1-4-206, Colorado Revised Statutes, is amended to  
2 read:

3           **1-4-206. Other county officers.** At the general election in 1982  
4 and every four years thereafter, one county clerk and recorder, who shall  
5 be ex officio recorder of deeds and clerk of the board of county  
6 commissioners; one sheriff qualified pursuant to section 30-10-501.5,  
7 C.R.S.; ~~one coroner~~; one treasurer, who shall be collector of taxes; one  
8 county superintendent of schools, unless the office of county  
9 superintendent of schools is abolished at a general election; one county  
10 surveyor; and one county assessor shall be elected in each county,  
11 excluding a city and county. The term of office of all such officials shall  
12 be four years.

13           **SECTION 4.** 1-5-402 (1) (b), Colorado Revised Statutes, is  
14 amended to read:

15           **1-5-402. Primary election ballots.** (1) No later than thirty-two  
16 days before the primary election, the county clerk and recorder shall  
17 prepare a separate ballot for each political party. The ballots shall be  
18 printed in the following manner:

19           (b) The positions on the ballot shall be arranged as follows: First,  
20 candidates for United States senator; next, congressional candidates; next,  
21 state candidates; next, legislative candidates; next, district attorney  
22 candidates; next, other candidates for district offices greater than a county  
23 office; next, candidates for county commissioners; next, county clerk and  
24 recorder candidates; next, county treasurer candidates; next, county  
25 assessor candidates; next, county sheriff candidates; AND next, county  
26 surveyor candidates. ~~and next, county coroner candidates.~~ When other  
27 offices are to be filled at the coming general election, the county clerk

1 and recorder, in preparing the primary ballot, shall use substantially the  
2 form prescribed by this section, stating the proper designation of the  
3 office and placing the names of the candidates for the office under the  
4 name of the office.

5 **SECTION 5.** 1-5-403 (5), Colorado Revised Statutes, is amended  
6 to read:

7 **1-5-403. Content of ballots for general and congressional**  
8 **vacancy elections.** (5) The positions on the ballot shall be arranged as  
9 follows: First, candidates for president and vice president of the United  
10 States; next, candidates for United States senator; next, congressional  
11 candidates; next, joint candidates for the offices of governor and  
12 lieutenant governor; next, other state candidates; next, legislative  
13 candidates; next, district attorney candidates; next, candidates for the  
14 board of directors of the regional transportation district; next, other  
15 candidates for district offices greater than a county office; next,  
16 candidates for county commissioners; next, county clerk and recorder  
17 candidates; next, county treasurer candidates; next, county assessor  
18 candidates; next, county sheriff candidates; AND next, county surveyor  
19 candidates. ~~and next, county coroner candidates.~~ When other offices are  
20 to be filled, the county clerk and recorder, in preparing the ballot, shall  
21 use substantially the form prescribed by this section, stating the proper  
22 designation of the office and placing the names of the candidates for the  
23 office under the name of the office. The ballot issues concerning the  
24 retention in office of justices of the supreme court, judges of the court of  
25 appeals, judges of the district court, and judges of the county court shall  
26 be placed on the ballot in that order and shall precede the placement of  
27 ballot issues concerning amendment of the state constitution or pertaining

1 to political subdivisions.

2 **SECTION 6.** 12-5-109, Colorado Revised Statutes, is amended  
3 to read:

4 **12-5-109. Persons forbidden to practice.** No ~~coroner~~, sheriff,  
5 deputy sheriff, or jailer, though qualified, shall be permitted to practice  
6 as an attorney in the county in which he OR SHE is commissioned or  
7 appointed, nor shall any clerk of the supreme court or district court be  
8 permitted to practice as an attorney- or counselor-at-law in the court in  
9 which he OR SHE is clerk.

10 **SECTION 7.** 12-5-117, Colorado Revised Statutes, is amended  
11 to read:

12 **12-5-117. Attorney not to be surety.** No attorney- or  
13 counselor-at-law shall become surety in any bond or recognizance of any  
14 sheriff, ~~or coroner~~, in any bond or recognizance for the appearance of any  
15 person charged with any public offense, or upon any bond or  
16 recognizance authorized by any statute to be taken for the payment of any  
17 sum of money into court in default of the principal, without the consent  
18 of a judge of the district court first had approving said surety.

19 **SECTION 8.** 12-34-103 (6), Colorado Revised Statutes, is  
20 amended to read:

21 **12-34-103. Persons who may execute an anatomical gift.**  
22 (6) Unless held for purposes specified in ~~section 30-10-606~~ SECTION  
23 25-1-1308 (2), C.R.S., an anatomical gift that is not revoked by the donor  
24 before death is irrevocable and does not require consent or concurrence  
25 of any person after the donor's death.

26 **SECTION 9.** 12-34-108.5 (8) (c), (12) (a), and (12) (c), Colorado  
27 Revised Statutes, are amended to read:

1           **12-34-108.5. Anatomical gift protocol required.** (8) No request  
2 for an anatomical gift shall be made when:

3           (c) Circumstances surrounding the death are such that a report to  
4 the ~~county coroner~~ REGIONAL MEDICAL EXAMINER is required pursuant to  
5 ~~section 30-10-606~~ SECTION 25-1-1308, C.R.S. In such cases, however, the  
6 ~~coroner~~ MEDICAL EXAMINER may direct the anatomical gift protocol of the  
7 hospital to be implemented or inform a member of a class listed in section  
8 12-34-103 (2) of the option to make an anatomical gift, so long as the  
9 ~~coroner~~ MEDICAL EXAMINER is still able to fulfill his OR HER statutory  
10 duties. Each individual designated in the hospital protocol as the person  
11 responsible for making the request for an anatomical gift may request the  
12 ~~coroner~~ MEDICAL EXAMINER to implement the protocol.

13           (12) It is the responsibility of all procurement agencies to:

14           (a) Inform hospitals and ~~coroners~~ REGIONAL MEDICAL EXAMINERS  
15 of the needs for organs and tissue;

16           (c) Coordinate with all other procurement agencies a central  
17 clearinghouse which is available twenty-four hours per day for the  
18 purpose of allowing hospitals and ~~coroners~~ REGIONAL MEDICAL  
19 EXAMINERS to contact one source so that the procurement process is  
20 expedited.

21           **SECTION 10.** 12-34-203, Colorado Revised Statutes, is amended  
22 to read:

23           **12-34-203. Claiming of body - publication of notice.** After an  
24 unclaimed body has been received by the anatomical board or its duly  
25 authorized agent, and has been preserved and stored, said body may be  
26 claimed within twenty days after death by relatives, friends, or fraternal  
27 or charitable organizations for burial or cremation at the expense of said

1 claimant, and the body shall be surrendered to such claimant without  
2 charge of any character. During the twenty-day period the board shall  
3 publish at least two notices in some newspaper of general circulation,  
4 published in the county in which the death occurred or in which the body  
5 was first discovered, stating that the body is unclaimed and giving the  
6 name of the deceased if it is known. Such notice shall be published in the  
7 name of the ~~coroner of such~~ REGIONAL MEDICAL EXAMINER FOR THE  
8 MEDICAL EXAMINER REGION IN WHICH THE county IS LOCATED.

9 **SECTION 11.** 12-36-133 (3), Colorado Revised Statutes, is  
10 amended to read:

11 **12-36-133. Postmortem examinations by licensee - definitions**  
12 **- application of this section.** (3) Nothing in this section shall be  
13 construed as a repeal of any provision of ~~part 6 of article 10 of title 30~~  
14 PART 13 OF ARTICLE 1 OF TITLE 25, C.R.S.

15 **SECTION 12.** 12-54-117 (1) (a) and (1) (h.1), Colorado Revised  
16 Statutes, are amended to read:

17 **12-54-117. Unlawful acts.** (1) It is unlawful:

18 (a) For any mortuary science practitioner to disinfect or preserve  
19 or to make final disposition of a dead human body when any fact within  
20 ~~his~~ THE PRACTITIONER'S knowledge or brought to ~~his~~ THE PRACTITIONER'S  
21 attention is sufficient to arouse a reasonable suspicion of a crime in  
22 connection with the cause of death of the deceased until the permission  
23 of the ~~coroner, deputy coroner, or district attorney, if there is no coroner,~~  
24 REGIONAL MEDICAL EXAMINER OR AN ASSOCIATE MEDICAL EXAMINER has  
25 been first obtained;

26 (h.1) For any mortuary science practitioner who is also a ~~county~~  
27 ~~coroner~~ REGIONAL MEDICAL EXAMINER to direct business to ~~his~~ A funeral

1 establishment IN WHICH THE MEDICAL EXAMINER HAS A FINANCIAL  
2 INTEREST except as provided in ~~section 30-10-619~~ SECTION 25-1-1307,  
3 C.R.S.;

4 **SECTION 13.** 13-33-103 (3), Colorado Revised Statutes, is  
5 amended to read:

6 **13-33-103. Mileage fees of jurors and witnesses.** (3) No  
7 witness before a ~~coroner~~, commissioner, or magistrate shall be allowed  
8 fees unless such witness claims the same under oath before the  
9 adjournment of the court.

10 **SECTION 14.** 13-80-103 (1) (c), Colorado Revised Statutes, is  
11 amended to read:

12 **13-80-103. General limitation of actions - one year.** (1) The  
13 following civil actions, regardless of the theory upon which suit is  
14 brought, or against whom suit is brought, shall be commenced within one  
15 year after the cause of action accrues, and not thereafter:

16 (c) All actions against sheriffs, ~~coroners~~ REGIONAL MEDICAL  
17 EXAMINERS, police officers, firefighters, national guardsmen, or any other  
18 law enforcement authority;

19 **SECTION 15.** 15-10-106.5 (1) and (4), Colorado Revised  
20 Statutes, are amended to read:

21 **15-10-106.5. Petition to determine cause and date of death**  
22 **resulting from disaster - body unidentifiable or missing.** (1) When the  
23 occurrence of a disaster has been declared by proclamation of the  
24 governor under section 24-32-2104, C.R.S., and it appears that a person  
25 has died as a direct result thereof, but ~~his~~ THE PERSON'S remains have  
26 disappeared or are unidentifiable, the ~~coroner~~ REGIONAL MEDICAL  
27 EXAMINER, sheriff, or district attorney for the county in which such

1 disaster or any part thereof has occurred, or the spouse, next of kin, heir  
2 at law, devisee, or personal representative named in a will, or a creditor  
3 or debtor of such person may file in the district court of such county or  
4 the probate court, if occurring in the city and county of Denver, a petition  
5 asking that the court determine the cause and date of death of such  
6 person.

7 (4) A certified copy of such order shall be sufficient when  
8 presented to the ~~coroner~~ REGIONAL MEDICAL EXAMINER or other person  
9 acting ~~in his stead~~ ON BEHALF OF THE MEDICAL EXAMINER for the issuance  
10 of a certificate of death under this section.

11 **SECTION 16.** 15-12-620 (4), Colorado Revised Statutes, is  
12 amended to read:

13 **15-12-620. Public administrator - responsibility for protecting**  
14 **decedent's estate - duty of persons holding property.** (4) When a  
15 person dies leaving property located in any house, residence, or  
16 apartment, on the premises of another, or in a nursing home, ~~coroner's~~  
17 REGIONAL MEDICAL EXAMINER'S office, mortuary, state agency, or public  
18 or private hospital, without leaving either a known heir residing in this  
19 state or a resident of this state who has been nominated as a personal  
20 representative in an original document that reasonably appears to be the  
21 last will of the decedent, the person in possession of such house,  
22 residence, apartment or premises, or the administrator of such nursing  
23 home, ~~coroner's~~ REGIONAL MEDICAL EXAMINER'S office, mortuary, state  
24 agency, or public or private hospital, shall give prompt notice of death,  
25 and notice of the existence of the property, to the public administrator of  
26 that judicial district. Any person who fails to act in compliance with this  
27 section shall be liable for all damages and any loss that may be sustained



1 as a result of the neglect or refusal of such person to report the death or  
2 the existence of property to the public administrator. Such damages may  
3 be recovered by the decedent's heirs or successors, or by the public  
4 administrator. It shall be the responsibility of any law enforcement  
5 agency, ~~coroner~~ REGIONAL MEDICAL EXAMINER, or other public agency to  
6 give notice to the public administrator of the appropriate jurisdiction at  
7 any time they believe that property of a decedent located within their  
8 jurisdiction is not properly secured or protected.

9 **SECTION 17.** 16-3-305 (3), Colorado Revised Statutes, is  
10 amended to read:

11 **16-3-305. Search warrants - direction - execution and return.**

12 (3) Any judge issuing a search warrant, on the grounds stated in section  
13 16-3-301, for the search of a person or for the search of any motor  
14 vehicle, aircraft, or other object ~~which~~ THAT is mobile or capable of being  
15 transported may make an order authorizing a peace officer to be named  
16 in the warrant to execute the same, and the person named in such order  
17 may execute the warrant anywhere in the state. All sheriffs, ~~coroners~~  
18 REGIONAL MEDICAL EXAMINERS, police officers, and officers of the  
19 Colorado state patrol, when required, in their respective counties, shall  
20 aid and assist in the execution of such warrant. The order authorized by  
21 this subsection (3) may also authorize execution of the warrant by any  
22 officer authorized by law to execute it in the county wherein the property  
23 is located.

24 **SECTION 18.** 18-1-901 (3) (1) (IV), Colorado Revised Statutes,  
25 is amended to read:

26 **18-1-901. Definitions.** (3) (1) (IV) "Peace officer, level III,"  
27 means a chief security officer for the general assembly pursuant to

1 section 2-2-402, C.R.S., a ~~coroner~~ REGIONAL MEDICAL EXAMINER, the  
2 commissioner of agriculture or his or her designee acting under the "Farm  
3 Products Act" or the "Commodity Handler Act" pursuant to sections  
4 12-16-114 and 12-16-210, C.R.S., under the "Animal Protection Act"  
5 pursuant to section 35-42-107 (4), C.R.S., or under the "Pet Animal Care  
6 and Facilities Act" pursuant to section 35-80-109 (6), C.R.S., an adult  
7 probation officer, a juvenile probation officer pursuant to section  
8 19-2-926, C.R.S., a brand inspector pursuant to section 35-53-128,  
9 C.R.S., an employee of a district attorney's office assigned to administer  
10 an offender diversion program, a student loan investigator, an officer or  
11 member of the Colorado national guard while acting under call of the  
12 governor in cases of emergency or civil disorder, a member of the public  
13 utilities commission, port of entry personnel acting as peace officers  
14 pursuant to section 42-8-104, C.R.S., toll road owners acting as peace  
15 officers under section 43-3-304, C.R.S., or any other person designated  
16 as a peace officer unless otherwise specified in this section as a level I,  
17 level Ia, level II, or level IIIa peace officer. "Peace officer, level III," has  
18 the authority to enforce all the laws of the state of Colorado while acting  
19 within the scope of his or her authority and in the performance of his or  
20 her duties.

21 **SECTION 19.** 18-1.3-1204, Colorado Revised Statutes, is  
22 amended to read:

23 **18-1.3-1204. Implements - sentence executed by executive**  
24 **director.** The executive director of the department of corrections, at the  
25 expense of the state of Colorado, shall provide a suitable and efficient  
26 room or place, enclosed from public view, within the walls of the  
27 correctional facilities at Canon City and therein at all times have in

1 preparation all necessary implements requisite for carrying into execution  
2 the death penalty by means of the administration of a lethal injection. The  
3 execution shall be performed in the room or place by a person selected by  
4 the executive director and trained to administer intravenous injections.  
5 Death shall be pronounced by a licensed physician or a ~~coroner~~ REGIONAL  
6 MEDICAL EXAMINER according to accepted medical standards.

7 **SECTION 20.** 18-4-412 (2) (c) (IV), Colorado Revised Statutes,  
8 is amended to read:

9 **18-4-412. Theft of medical records or medical information -**  
10 **penalty.** (2) As used in this section:

11 (c) "Proper authorization" means:

12 (IV) Authorized possession pursuant to section 18-7-201.5,  
13 18-7-205.5, or 18-3-415.5, or ~~section 30-10-606 (6)~~ SECTION 25-1-1310  
14 (1), C.R.S.

15 **SECTION 21.** 19-1-307 (2) (a), Colorado Revised Statutes, is  
16 amended to read:

17 **19-1-307. Dependency and neglect records and information.**

18 (2) **Records and reports - access to certain persons - agencies.** Except  
19 as otherwise provided in section 19-1-303, only the following persons or  
20 agencies shall be given access to child abuse or neglect records and  
21 reports:

22 (a) The law enforcement agency, district attorney, ~~coroner~~  
23 REGIONAL MEDICAL EXAMINER, or county or district department of social  
24 services investigating a report of a known or suspected incident of child  
25 abuse or neglect or treating a child or family ~~which~~ THAT is the subject of  
26 the report, and, in addition to said reports and records, the law  
27 enforcement agency, district attorney, ~~coroner~~ REGIONAL MEDICAL

1 EXAMINER, or county department shall have access to the state central  
2 registry of child protection for information under the name of the child or  
3 the suspected perpetrator;

4 **SECTION 22.** 19-3-304 (2) (c), Colorado Revised Statutes, is  
5 amended to read:

6 **19-3-304. Persons required to report child abuse or neglect.**

7 (2) Persons required to report such abuse or neglect or circumstances or  
8 conditions shall include any:

9 (c) INDEPENDENT medical examiner or ~~coroner~~ REGIONAL  
10 MEDICAL EXAMINER;

11 **SECTION 23.** 19-3-305 (1), Colorado Revised Statutes, is  
12 amended to read:

13 **19-3-305. Required report of postmortem investigation.**

14 (1) Any person who is required by section 19-3-304 to report known or  
15 suspected child abuse or neglect who has reasonable cause to suspect that  
16 a child died as a result of child abuse or neglect shall report such fact  
17 immediately to a local law enforcement agency and to the appropriate  
18 REGIONAL medical examiner. The local law enforcement agency and the  
19 REGIONAL medical examiner shall accept such report for investigation and  
20 shall report their findings to the local law enforcement agency, the district  
21 attorney, and the county department.

22 **SECTION 24.** 19-3-306 (1), Colorado Revised Statutes, is  
23 amended to read:

24 **19-3-306. Evidence of abuse - color photographs and X rays.**

25 (1) Any child health associate, person licensed to practice medicine in  
26 this state, registered nurse or licensed practical nurse, hospital personnel  
27 engaged in the admission, examination, care, or treatment of patients,

1 INDEPENDENT medical examiner, ~~coroner~~ REGIONAL MEDICAL EXAMINER,  
2 social worker, psychologist, or local law enforcement officer who has  
3 before him a child he reasonably believes has been abused or neglected  
4 may take or cause to be taken color photographs of the areas of trauma  
5 visible on the child. If medically indicated, such person may take or cause  
6 to be taken X rays of the child.

7 **SECTION 25.** 24-13-105, Colorado Revised Statutes, is amended  
8 to read:

9 **24-13-105. County board to examine bonds - new bond.** It is  
10 the duty of the board of county commissioners of each county, at each  
11 regular term, on the first day of each term, to examine and inquire into  
12 the sufficiency of the official bond of the county treasurer, sheriff,  
13 ~~coroner~~, county assessor, county clerk and recorder, and county surveyor  
14 and all other official bonds given by any county officer, as required by  
15 law. If it appears that one or more of the sureties on the official bond of  
16 any such county officer have removed from the county, died, or become  
17 insolvent or of doubtful solvency, the board of county commissioners  
18 shall cause such officer to be summoned to appear before said board, on  
19 a day to be named in said summons, to show cause why ~~he~~ THE OFFICER  
20 should not be required to give a new bond, with sufficient surety. If, at  
21 the appointed time, ~~he~~ THE OFFICER fails to satisfy said board as to the  
22 sufficiency of the present surety, an order shall be entered of record by  
23 said board, requiring such officer to file in the office of the county clerk  
24 and recorder, within twenty days, a new bond, to be approved as required  
25 by law, unless the number and pecuniary ability of other sureties on the  
26 bond are such as to satisfy the board that the bond is sufficient,  
27 notwithstanding the fact that one or more of the sureties on said bond

1 may have removed, died, or become insolvent or of doubtful solvency, in  
2 which case the bond in question, in the discretion of said board, may be  
3 held to be sufficient.

4 **SECTION 26.** 24-13-109, Colorado Revised Statutes, is amended  
5 to read:

6 **24-13-109. Release of sureties - notice.** Any person who is the  
7 surety of any sheriff, ~~coroner~~, county clerk and recorder, county treasurer,  
8 county surveyor, or other county officer shall have the power of releasing  
9 himself OR HERSELF from further liability as such surety for such officer  
10 by filing in the office of the county clerk and recorder a notice that he OR  
11 SHE is no longer willing to be surety for such officer. If the person so  
12 desiring to be released from such surety is suretyship for the county clerk  
13 and recorder, in addition to such filing of notice, he OR SHE shall deliver  
14 a copy of the notice to the ~~chairman~~ CHAIRPERSON of the board of county  
15 commissioners or, if ~~he~~ THE CHAIRPERSON is absent, to some other  
16 member of said board. Any person who is surety on the official bond of  
17 the clerk of the district court or master may be released by filing a notice  
18 in the office of said clerk of the district court in like manner and also  
19 delivering a copy thereof to the judge of said court.

20 **SECTION 27.** 24-13-112, Colorado Revised Statutes, is amended  
21 to read:

22 **24-13-112. Embezzlement - vacancy.** If any master, clerk of the  
23 district court, sheriff, ~~coroner~~, county judge, county treasurer, county  
24 assessor, county clerk and recorder, or other officer embezzles or  
25 appropriates to his OR HER own use any money ~~which~~ THAT may be paid  
26 to him OR HER by virtue of his OR HER office and is convicted therefor,  
27 the court pronouncing such judgment shall declare the office held by such

1 officer to be vacant, and such vacancy shall be filled as provided by law.

2 **SECTION 28.** 24-13-113, Colorado Revised Statutes, is amended  
3 to read:

4 **24-13-113. Failure to file bond.** It is the duty of such master,  
5 clerk of the district court, sheriff, ~~coroner~~, county treasurer, county  
6 assessor, county clerk and recorder, or other officer, if he OR SHE fails to  
7 give bond, to deliver over to his OR HER sureties forthwith all books,  
8 moneys, vouchers, papers, and every description of property whatever,  
9 pertaining to ~~his~~ THE office; and the sureties, at any time after failure to  
10 file bond, may maintain an action of replevin or other appropriate action  
11 to recover such property, money, or effects from their principal.

12 **SECTION 29.** 24-33.5-415.1 (4), Colorado Revised Statutes, is  
13 amended to read:

14 **24-33.5-415.1. List of missing children.** (4) To assist the bureau  
15 in identifying missing children, a ~~county coroner~~ REGIONAL MEDICAL  
16 EXAMINER shall report to the bureau any unidentified or unclaimed dead  
17 human body ~~which~~ THAT is found within ~~his jurisdiction~~ THE MEDICAL  
18 EXAMINER REGION and ~~which~~ THAT could be the body of a missing child.  
19 Such report shall be made within five days of the time the ~~coroner~~  
20 MEDICAL EXAMINER takes charge of the unidentified or unclaimed dead  
21 human body and shall include fingerprints, dental information, and a  
22 physical description of the body with respect to approximate age, height,  
23 weight, hair and eye color, deformities, and scars or other identifying  
24 marks. If the bureau determines that the information submitted on an  
25 unidentified or unclaimed dead human body matches the information for  
26 a missing child, the bureau shall immediately notify the law enforcement  
27 agency that submitted the missing child report.

1           **SECTION 30.** 24-72-204 (3) (a) (I), Colorado Revised Statutes,  
2 is amended to read:

3           **24-72-204. Allowance or denial of inspection - grounds -**  
4 **procedure - appeal.** (3) (a) The custodian shall deny the right of  
5 inspection of the following records, unless otherwise provided by law;  
6 except that any of the following records, other than letters of reference  
7 concerning employment, licensing, or issuance of permits, shall be  
8 available to the person in interest under this subsection (3):

9           (I) Medical, mental health, sociological, and scholastic  
10 achievement data on individual persons, other than scholastic  
11 achievement data submitted as part of finalists' records as set forth in  
12 subparagraph (XI) of this paragraph (a) and exclusive of ~~coroners'~~  
13 ~~autopsy~~ REGIONAL MEDICAL EXAMINERS' POSTMORTEM EXAMINATION  
14 reports and group scholastic achievement data from which individuals  
15 cannot be identified; but either the custodian or the person in interest may  
16 request a professionally qualified person, who shall be furnished by the  
17 said custodian, to be present to interpret the records;

18           **SECTION 31.** 24-80-1302 (1), (2), (4) (d), and (5), Colorado  
19 Revised Statutes, are amended to read:

20           **24-80-1302. Discovery of human remains.** (1) Except as  
21 provided in section 24-80-1303 with regard to anthropological  
22 investigations, any person who discovers on any land suspected human  
23 skeletal remains or who knowingly disturbs such remains shall  
24 immediately notify the ~~coroner~~ of REGIONAL MEDICAL EXAMINER FOR the  
25 county wherein the remains are located and the sheriff, police chief, or  
26 land managing agency official.

27           (2) The ~~coroner~~ REGIONAL MEDICAL EXAMINER shall conduct an



1 on-site inquiry within forty-eight hours of such notification to attempt to  
2 determine whether such skeletal remains are human remains and to  
3 determine their forensic value. If the ~~coroner~~ MEDICAL EXAMINER is  
4 unable to make such determinations, the police chief, the sheriff, the  
5 ~~coroner~~ MEDICAL EXAMINER, or the land managing agency official shall  
6 request the forensic anthropologist of the Colorado bureau of  
7 investigation to assist in making such determinations. If it is confirmed  
8 that the remains are human remains but of no forensic value, the ~~coroner~~  
9 MEDICAL EXAMINER shall notify the state archaeologist of the discovery.  
10 The state archaeologist shall recommend security measures for the site.

11 (4) (d) Without the landowner's express consent for an extension  
12 of time, disinterment shall be accomplished no later than ten consecutive  
13 days after the state archaeologist has received notification from the  
14 ~~coroner~~ REGIONAL MEDICAL EXAMINER pursuant to subsection (2) of this  
15 section.

16 (5) Those remains ~~which~~ THAT are verifiably nonnative American  
17 and are otherwise unclaimed ~~will~~ SHALL be delivered to the ~~county~~  
18 ~~coroner~~ REGIONAL MEDICAL EXAMINER for further conveyance to the  
19 Colorado state anatomical board.

20 **SECTION 32.** 24-80-1303 (1) and (2), Colorado Revised  
21 Statutes, are amended to read:

22 **24-80-1303. Discovery of human remains during an**  
23 **anthropological investigation.** (1) Prior to the commencement of an  
24 anthropological investigation in which it is probable that skeletal remains  
25 will be discovered, the anthropologists conducting such an investigation  
26 shall apply to the state archaeologist for an excavation permit issued  
27 under the authority of section 24-80-405 (1) (g). Upon receipt of said

1 permit by a qualified applicant, ~~he~~ THE APPLICANT shall notify the ~~coroner~~  
2 APPROPRIATE REGIONAL MEDICAL EXAMINER and THE sheriff of the county  
3 in which the investigation ~~shall~~ WILL be conducted.

4 (2) When skeletal remains are discovered during such an  
5 investigation, the anthropologists shall determine whether such skeletal  
6 remains are human remains, and, if such remains are determined to be  
7 human remains, the anthropologists shall determine, whenever possible,  
8 the age and cultural affiliation of the individual. Based on such  
9 determinations, the anthropologists shall proceed as follows:

10 (a) If it is determined that the human remains are of an individual  
11 who has been dead less than one hundred years, the anthropologists shall  
12 notify the ~~coroner~~ REGIONAL MEDICAL EXAMINER of the discovery and  
13 shall offer an opinion as to the forensic significance of the human  
14 remains. The ~~coroner~~ MEDICAL EXAMINER shall respond to such  
15 notification within twenty-four hours, during which time all activity  
16 ~~which~~ THAT could disturb such human remains shall cease. If, on the  
17 basis of the anthropologists' opinion or on an independent on-site inquiry,  
18 the ~~coroner~~ MEDICAL EXAMINER determines that the human remains are  
19 of no forensic significance, the anthropologists shall notify either the state  
20 archaeologist, if the human remains are those of a native American, or the  
21 Colorado state anatomical board, if the human remains are those of a  
22 human being who was not a native American.

23 (b) If it is determined that the skeletal remains are human remains  
24 but of an individual who has been dead for more than one hundred years,  
25 notwithstanding the provisions of ~~section 30-10-606 (1.2)~~ SECTION  
26 25-1-1308 (4), C.R.S., the anthropologists need not notify the ~~coroner~~  
27 REGIONAL MEDICAL EXAMINER but shall notify either the state

1 archaeologist, if the human remains are those of a native American, or the  
2 Colorado state anatomical board, if the remains are of a nonnative  
3 American.

4 **SECTION 33.** 25-1-122 (2), Colorado Revised Statutes, is  
5 amended to read:

6 **25-1-122. Named reporting of certain diseases and conditions**  
7 **- access to medical records - confidentiality of reports and records.**

8 (2) When investigating diseases and conditions pursuant to subsection  
9 (1) of this section, authorized personnel of the state department of public  
10 health and environment and local health departments, within their  
11 respective jurisdictions, may, without patient consent, inspect, have  
12 access to, and obtain information from pertinent patient medical, ~~coroner~~  
13 REGIONAL MEDICAL EXAMINER, and laboratory records in the custody of  
14 all medical practitioners, veterinarians, ~~coroners~~ REGIONAL MEDICAL  
15 EXAMINERS, institutions, hospitals, agencies, laboratories, and clinics,  
16 whether public or private, ~~which~~ THAT are relevant and necessary to the  
17 investigation. Review and inspection of records shall be conducted at  
18 reasonable times and with such notice as is reasonable under the  
19 circumstances. Under no circumstances may personnel of the state  
20 department of public health and environment or local health departments,  
21 within their local jurisdictions, have access pursuant to this section to any  
22 medical record that is not pertinent, relevant, or necessary to the public  
23 health investigation. Nothing in this subsection (2) shall be construed to  
24 apply to cases of AIDS, HIV-related illness, or HIV infection, which shall  
25 be governed solely by the requirements relating to access to records and  
26 the release of information as set forth in part 14 of article 4 of this title.

27 **SECTION 34.** 25-1-124 (2) (a), Colorado Revised Statutes, is

1 amended to read:

2 **25-1-124. Health care facilities - consumer information -**  
3 **reporting - release.** (2) Each health care facility licensed pursuant to  
4 section 25-3-101 or certified pursuant to section 25-1-107 (1) (I) (II) shall  
5 report to the department the following occurrences:

6 (a) Any occurrence that results in the death of a patient or resident  
7 of the facility and is required to be reported to the ~~coroner~~ REGIONAL  
8 MEDICAL EXAMINER pursuant to ~~section 30-10-606, C.R.S.~~, SECTION  
9 25-1-1308 (4) as arising from an unexplained cause or under suspicious  
10 circumstances;

11 **SECTION 35.** 25-1-1202 (1) (kkk), Colorado Revised Statutes,  
12 is amended to read:

13 **25-1-1202. Index of statutory sections regarding medical**  
14 **record confidentiality and health information.** (1) Statutory provisions  
15 concerning policies, procedures, and references to the release, sharing,  
16 and use of medical records and health information include the following:

17 (kkk) ~~Section 30-10-606 (6), C.R.S.~~ SECTION 25-1-1310 (1),  
18 concerning postmortem investigations and records;

19 **SECTION 36.** 25-2-103 (3) (b), Colorado Revised Statutes, is  
20 amended to read:

21 **25-2-103. Centralized registration system for all vital statistics**  
22 **- appointment of registrar - regulations.** (3) (b) In conjunction with  
23 the requirements of paragraph (a) of this subsection (3), the state registrar  
24 shall collect the name of the provider of prenatal care, if any, and the  
25 name of the provider of initial delivery services and shall require that  
26 such information be reported on all birth certificates. In addition,  
27 whenever an investigation ~~or inquest~~ is conducted pursuant to ~~section~~

1 ~~30-10-606, C.R.S.~~, SECTION 25-1-1308 (2) concerning the death of a child  
2 under one year of age, the ~~coroner~~ REGIONAL MEDICAL EXAMINER shall  
3 forward the information described in this paragraph (b) to the state  
4 registrar for inclusion on the death certificate of the subject of the ~~inquest~~  
5 ~~or~~ investigation.

6 **SECTION 37.** 25-2-110 (4), (5), and (6), Colorado Revised  
7 Statutes, are amended to read:

8 **25-2-110. Certificates of death.** (4) Except when inquiry is  
9 required by ~~section 30-10-606, C.R.S.~~ SECTION 25-1-1308 (2), the  
10 physician in charge of the patient's care for the illness or condition which  
11 resulted in death shall complete, sign, and return to the funeral director  
12 or person acting as such all medical certification within forty-eight hours  
13 after a death occurs. In the absence of said physician or with his OR HER  
14 approval, the certificate may be completed and signed by his OR HER  
15 associate physician, by the chief medical officer of the institution in  
16 which the death occurred, or by the physician who performed an autopsy  
17 upon the decedent, if such individual has access to the medical history of  
18 the case, if he OR SHE views the deceased at or after the time of death, and  
19 if the death is due to natural causes.

20 (5) When inquiry is required by ~~section 30-10-606, C.R.S.~~  
21 SECTION 25-1-1308 (2), the ~~coroner~~ REGIONAL MEDICAL EXAMINER shall  
22 determine the cause of death and shall complete and sign the medical  
23 certification within forty-eight hours after taking charge of the case.

24 (6) If the cause of death cannot be determined within forty-eight  
25 hours after a death, the medical certification shall be completed as  
26 provided by regulation. The attending physician or ~~coroner~~ REGIONAL  
27 MEDICAL EXAMINER shall give the funeral director or person acting as

1 such notice of the reason for the delay, and final disposition of the body  
2 shall not be made until authorized by the office designated or established  
3 pursuant to section 25-2-103 in the county where the death occurred or,  
4 if such an office does not exist in the county where the death occurred,  
5 final disposition of the body shall not be made until authorized by the  
6 ~~coroner or the coroner's designee~~ MEDICAL EXAMINER.

7 **SECTION 38.** 25-2-111 (1), Colorado Revised Statutes, is  
8 amended to read:

9 **25-2-111. Dead bodies - disposition, removal from state,**  
10 **records.** (1) Any person requested to act as funeral director for a dead  
11 body or otherwise whoever first assumes custody of a dead body shall,  
12 prior to final disposition of the body, obtain authorization for final  
13 disposition of the body. The office designated or established pursuant to  
14 section 25-2-103 in the county where the death occurred or, if such an  
15 office does not exist in the county where the death occurred, the ~~coroner~~  
16 ~~or the coroner's designee~~ REGIONAL MEDICAL EXAMINER shall authorize  
17 final disposition of the body on a form prescribed and furnished by the  
18 state registrar. No body shall be buried, cremated, deposited in a vault or  
19 tomb, or otherwise disposed of, nor shall any body be removed from this  
20 state, until such authorization has been obtained, completed, and  
21 approved.

22 **SECTION 39.** 25-3.5-104 (1) (c) (I), Colorado Revised Statutes,  
23 is amended to read:

24 **25-3.5-104. Emergency medical and trauma services advisory**  
25 **council - creation - duties.** (1) (c) Ex officio, nonvoting members of the  
26 council shall include members from the following categories:

27 (I) A representative of the state coroners' association OR ANY

1 SUCCESSOR ORGANIZATION, as selected by the association;

2 **SECTION 40.** 25-3.5-704 (2) (h) (I) (E), Colorado Revised  
3 Statutes, is amended to read:

4 **25-3.5-704. Statewide emergency medical and trauma care**  
5 **system - development and implementation - duties of the department**  
6 **- rules adopted by board.** (2) The board shall adopt rules for the  
7 statewide emergency medical and trauma care system, including but not  
8 limited to the following:

9 (h) (I) **Continuing quality improvement system (CQI).** These  
10 rules require the department to oversee a continuing quality improvement  
11 system for the statewide emergency medical and trauma care system. The  
12 board shall specify the methods and periods for assessing the quality of  
13 regional emergency medical and trauma systems and the statewide  
14 emergency medical and trauma care system. These rules include, but are  
15 not limited to, the following requirements:

16 (E) That the department be allowed access to prehospital,  
17 hospital, and ~~coroner~~ REGIONAL MEDICAL EXAMINER records of  
18 emergency medical and trauma patients to assess the continuing quality  
19 improvement system for the area and state-based injury prevention and  
20 public information and education programs pursuant to paragraph (g) of  
21 this subsection (2). All information provided to the department shall be  
22 confidential pursuant to subparagraph (II) of this paragraph (h). To the  
23 greatest extent possible, patient-identifying information shall not be  
24 gathered. If patient-identifying information is necessary, the department  
25 shall keep such information strictly confidential, and such information  
26 may only be released outside of the department upon written  
27 authorization of the patient. The department shall prepare an annual

1 report that includes an evaluation of the statewide emergency medical and  
2 trauma services system. Such report shall be distributed to all designated  
3 trauma centers, ambulance services, and service agencies and to the  
4 chairpersons of the health, environment, children and families committee  
5 of the senate and the health, environment, welfare, and institutions  
6 committee of the house of representatives.

7 **SECTION 41.** 25-20-102 (6), Colorado Revised Statutes, is  
8 amended to read:

9 **25-20-102. Definitions.** As used in this article, unless the context  
10 otherwise requires:

11 (6) "Peace officer" means any county sheriff, undersheriff, OR  
12 deputy sheriff, ~~or coroner~~, any municipal police officer or marshal, ~~or any~~  
13 Colorado state patrol officer, OR ANY REGIONAL MEDICAL EXAMINER.

14 **SECTION 42.** 26-3.1-102 (1) (b) (II), Colorado Revised Statutes,  
15 is amended to read:

16 **26-3.1-102. Reporting requirements.** (1) (b) The following  
17 persons are urged to make or initiate an initial oral report within  
18 twenty-four hours followed by a written report within forty-eight hours:

19 (II) INDEPENDENT medical examiners or ~~coroners~~ REGIONAL  
20 MEDICAL EXAMINERS;

21 **SECTION 43.** 29-1-304.8 (1) (a), Colorado Revised Statutes, is  
22 amended to read:

23 **29-1-304.8. Programs not delegated by the general assembly.**

24 (1) A local district, within the meaning of section 20 (2) of article X of  
25 the state constitution, shall not reduce or end its subsidy pursuant to  
26 section 20 (9) of said article to any program if:

27 (a) The program is one of the inherent powers, duties, or functions



1 of an officer whose office is created as a county office by the state  
 2 constitution, including but not limited to the county clerk and recorder,  
 3 the county sheriff, ~~the county coroner~~, the county treasurer, the county  
 4 surveyor, the county assessor, and the county attorney; or

5 **SECTION 44.** 30-2-102 (2.1), Colorado Revised Statutes, is  
 6 amended to read:

7 **30-2-102. Categorization of counties for fixing salaries of**  
 8 **county officers.** (2.1) On and after January 1, 2002, the annual salaries  
 9 of county officers whose term of office begins on or after such date shall  
 10 be as follows:

			County		
			Treasurers,		
	County	County	Assessors,	County	
	Commissioners	Sheriffs	and Clerks	Coroners	
15 (a) Category I	63,203	95,000	75,500	<del>75,500</del>	
16 (b) Category II	51,827	75,000	62,000	<del>32,000</del>	
17 (c) Category III	41,714	65,000	50,000	<del>25,000</del>	
18 (d) Category IV	35,394	57,000	42,500	<del>17,000</del>	
19 (e) Category V	32,613	42,000	37,500	<del>6,500</del>	

20 **SECTION 45.** 30-2-104 (1) (a), Colorado Revised Statutes, is  
 21 amended to read:

22 **30-2-104. Compensation of deputies and assistants.** (1) (a) The  
 23 county clerk and recorders, county treasurers, AND county assessors ~~and~~  
 24 ~~county coroners~~ of the respective counties may appoint such deputies,  
 25 assistants, and employees as shall be necessary at such compensation,  
 26 payable monthly, as shall be fixed by said officers with the approval of  
 27 the boards of county commissioners of their respective counties. Except

1 for those employees provided for pursuant to article 1 of title 26, C.R.S.,  
2 boards of county commissioners are hereby empowered to adopt a  
3 classification and compensation plan for all county employees paid in  
4 whole or in part by the county. Such classification and compensation  
5 plan shall include workweek formulas of not less than forty hours  
6 designed to satisfy the varying requirements of each county service and  
7 county department as provided in paragraph (b) of this subsection (1).  
8 Upon the acceptance by any elected official, said plan shall become  
9 binding upon the employees of that office. Changes in benefits, pay  
10 grades, and job classifications of employees shall thereafter be made in  
11 accordance with such plan.

12 **SECTION 46.** 30-10-106, Colorado Revised Statutes, is amended  
13 to read:

14 **30-10-106. Substitute officers have same powers and**  
15 **compensation.** When any ~~coroner~~ REGIONAL MEDICAL EXAMINER is  
16 required to act as sheriff, or any other officer in this state is required to  
17 perform any duties belonging to any other office, for the time being, ~~he~~  
18 THE OFFICER shall have the same powers in respect to that duty as are  
19 given by law to the officer whose duties he OR SHE performs, and shall be  
20 entitled to receive the same compensation for his OR HER services.

21 **SECTION 47.** 30-10-112, Colorado Revised Statutes, is amended  
22 to read:

23 **30-10-112. Officer to act until successor qualifies.** When the  
24 term of office of any sheriff, ~~coroner~~, county judge, county clerk and  
25 recorder, assessor, county treasurer, county surveyor, or other county  
26 officer expires, it shall be lawful for such officer, whether reelected or  
27 not, and ~~his~~ THE OFFICER'S deputies, to continue to perform all the duties

1 of such office until ~~his~~ A successor is duly qualified as required by law.

2 **SECTION 48.** 30-10-516, Colorado Revised Statutes, is amended  
3 to read:

4 **30-10-516. Sheriffs to preserve peace - command aid.** It is the  
5 duty of the sheriffs, undersheriffs, and deputies to keep and preserve the  
6 peace in their respective counties, and to quiet and suppress all affrays,  
7 riots, and unlawful assemblies and insurrections. For that purpose, and  
8 for the service of process in civil or criminal cases, and in apprehending  
9 or securing any person for felony or breach of the peace, they, and every  
10 ~~coroner~~ REGIONAL MEDICAL EXAMINER, may call to their aid such ~~person~~  
11 PERSONS of their county as they may deem necessary.

12 **SECTION 49.** 30-10-518, Colorado Revised Statutes, is amended  
13 to read:

14 **30-10-518. Regional medical examiner when acting as**  
15 **sheriff.** The provisions of sections 30-10-503 and 30-10-517 shall apply  
16 to all ~~coroners~~ REGIONAL MEDICAL EXAMINERS when by virtue of the laws  
17 of the state they are required to perform the duties of sheriff.

18 **SECTION 50.** 31-15-501 (1) (p), Colorado Revised Statutes, is  
19 amended to read:

20 **31-15-501. Powers to regulate businesses.** (1) The governing  
21 bodies of municipalities have the following powers to regulate  
22 businesses:

23 (p) To tax, license, and regulate auctioneers, lumberyards, livery  
24 stables, public scales, money changers, and brokers; except that the  
25 exercise of their powers shall not interfere with sales made by sheriffs,  
26 tax collectors, ~~coroners~~, marshals, executors, guardians, any assignees of  
27 insolvent debtors, bankrupts, or debtors under the federal bankruptcy

1 code of 1978 (title 11 of the United States Code), or any other persons  
2 required by law to sell real or personal property at auction;

3 **SECTION 51.** 34-21-101 (1) (h), Colorado Revised Statutes, is  
4 amended to read:

5 **34-21-101. Office of active and inactive mines - creation -**  
6 **duties.** (1) There is hereby created in the division of minerals and  
7 geology in the department of natural resources the office of active and  
8 inactive mines, the head of which shall be appointed by the director of the  
9 division. The office shall have the following duties:

10 (h) To respond to operators' or ~~coroners'~~ REGIONAL MEDICAL  
11 EXAMINERS' requests for assistance in investigating injuries and accidents;

12 **SECTION 52.** 42-4-1304 (6), Colorado Revised Statutes, is  
13 amended to read:

14 **42-4-1304. Samples of blood or other bodily substance - duties**  
15 **of department of public health and environment.** (6) All state and  
16 local public officials, including investigating law enforcement officers,  
17 have authority to and shall follow the procedures established by the  
18 department of public health and environment pursuant to this section,  
19 including the release of all information to the department of public health  
20 and environment concerning such samples and the testing thereof. The  
21 Colorado state patrol and the ~~county coroners and their deputies~~  
22 REGIONAL MEDICAL EXAMINERS shall assist the department of public  
23 health and environment in the administration and collection of such  
24 samples for the purposes of this section.

25 **SECTION 53.** 42-4-1608 (1), Colorado Revised Statutes, is  
26 amended to read:

27 **42-4-1608. Accident report forms.** (1) The department shall

1 prepare and upon request supply to police departments, ~~coroners~~  
2 REGIONAL MEDICAL EXAMINERS, sheriffs, and other suitable agencies or  
3 individuals forms for accident reports required under this article, which  
4 reports shall call for sufficiently detailed information to disclose, with  
5 reference to a traffic accident, the contributing circumstances, the  
6 conditions then existing, and the persons and vehicles involved.

7 **SECTION 54.** 42-4-1609, Colorado Revised Statutes, is amended  
8 to read:

9 **42-4-1609. Regional medical examiners to report.** Every  
10 ~~coroner~~ REGIONAL MEDICAL EXAMINER or other official performing like  
11 functions shall on or before the tenth day of each month report in writing  
12 to the department the death of any person within such official's  
13 jurisdiction during the preceding calendar month as the result of an  
14 accident involving a motor vehicle and the circumstances of such  
15 accident.

16 **SECTION 55.** 42-4-1610, Colorado Revised Statutes, is amended  
17 to read:

18 **42-4-1610. Reports by interested parties confidential.** All  
19 accident reports and supplemental reports required by law to be made by  
20 any driver, owner, or person involved in any accident shall be without  
21 prejudice to the individual so reporting and shall be for the confidential  
22 use of the department; except that the department may disclose the  
23 identity of a person involved in an accident when such identity is not  
24 otherwise known or when such person denies his or her presence at such  
25 accident. Except as provided in section 42-7-504 (2), no such report shall  
26 be used as evidence in any trial, civil or criminal, arising out of an  
27 accident; except that the department shall furnish, upon demand of any

1 person who has, or claims to have, made such a report or upon demand  
2 of any court, a certificate showing that a specified accident report has or  
3 has not been made to the department solely to prove a compliance or  
4 failure to comply with the requirement that such a report be made to the  
5 department. This section shall not be construed to mean that reports of  
6 investigation or other reports made by sheriffs, police officers, ~~coroners~~  
7 REGIONAL MEDICAL EXAMINERS, or other peace officers shall be  
8 confidential, but the same shall be public records and shall be subject to  
9 the provisions of section 42-1-206.

10 **SECTION 56. Repeal.** 13-33-101 (4), 13-33-102 (3), 20-1-104,  
11 30-2-108, and part 6 of article 10 of title 30, Colorado Revised Statutes,  
12 are repealed.

13 **SECTION 57. Effective date.** (1) This act shall take effect on  
14 the date of the proclamation by the governor that the registered electors  
15 of the state have adopted the amendment to section 8 of article XIV of the  
16 state constitution referred by Senate Concurrent Resolution 03-001;  
17 except that if that amendment is adopted, sections 3 through 56 of this act  
18 shall take effect on January 10, 2006.

19 (2) However, if a referendum petition is filed against this act or  
20 an item, section, or part of this act during the 90-day period after final  
21 adjournment of the general assembly that is allowed for submitting a  
22 referendum petition pursuant to article V, section 1 (3) of the state  
23 constitution, then the act, item, section, or part, shall not take effect  
24 unless approved by the people at a biennial regular general election.