

**STATE and LOCAL  
FISCAL IMPACT**

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<b>Drafting Number:</b> LLS 11-0759	<b>Date:</b> February 21, 2011
<b>Prime Sponsor(s):</b> Rep. Baumgardner Sen. Newell	<b>Bill Status:</b> House Judiciary
	<b>Fiscal Analyst:</b> Alex Schatz (303-866-4375)

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**TITLE:** CONCERNING FORENSIC AUTOPSIES.

<b>Fiscal Impact Summary</b>	<b>FY 2011-2012</b>	<b>FY 2012-2013</b>
<b>State Revenue</b>		
<b>State Expenditures</b>	See State Expenditures section.	
<b>FTE Position Change</b>		
<b>Effective Date:</b> Upon signature of the Governor, or upon becoming law without his signature.		
<b>Appropriation Summary for FY 2011-2012:</b> None required.		
<b>Local Government Impact:</b> See Local Government Impact section.		

**Summary of Legislation**

Under current law, a coroner has discretion when deciding to order an autopsy. Also under current law, an autopsy may be performed by any licensed physician. This bill specifies 13 circumstances under which a coroner must order a forensic autopsy and the qualifications of individuals performing forensic autopsies for the coroner. A forensic autopsy is required under the bill when the death or remains of the deceased are:

- known or suspected to be related to criminal violence;
- an infant or child in unexpected or unexplained circumstances;
- associated with police action;
- in the custody of a government institution with apparently non-natural causes;
- the result of an acute workplace injury;
- the apparent result of electrocution;
- the apparent result of intoxication by alcohol, drugs, or poison;
- the result of an unwitnessed or suspected drowning;
- an unidentified person, where autopsy may aid in identification;
- the result of an automobile accident where injuries are not documented by a hospital;
- a skeletonized body;
- a charred body; and
- other circumstances where a coroner determines an autopsy is necessary to determine the cause of death.

Beginning July 1, 2014, only board-certified forensic pathologists may perform an autopsy. The board-certification requirement does not apply to the first four years in practice of forensic pathologists who have completed a fellowship. Supervised forensic autopsies by pathology residents and forensic pathology fellows are also permitted.

### **State Expenditures**

The bill will increase costs in the Department of Human Services under rare circumstances in which an individual dies unexpectedly at a Regional Center for the developmentally disabled and the family has, under current law, requested no autopsy. With less than one such case per year, the department's cost to perform the additional autopsy required by the bill is under \$1,000 and will be absorbed within existing resources.

### **Local Government Impact**

Costs to county coroner offices will increase as more autopsies are required. In many counties, autopsies are already routinely performed by forensic pathologists, but qualification requirements also increase costs to coroner offices that do not exclusively use the services of a forensic pathologist for autopsies.

Local government costs to comply with this bill are primarily the result of less discretion for coroners to declare a cause of death based on cumulative evidence. The most significant effect of the bill will be to increase autopsy numbers for deaths due to intoxication or an automobile accident, where the coroner can currently determine death based on other documents and testimony. In a larger county, the annual increase in autopsy caseload may be 30 to 40 cases annually, increasing costs by approximately \$45,000. In smaller counties, the bill's mandates may impact both a larger percentage of caseload and the practices of a smaller staff performing multifaceted duties in the coroner system.

### **Departments Contacted**

Corrections  
Judicial

Public Safety  
Law

Human Services  
Regulatory Agencies

Local Affairs