

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 13, 2013
Date

Committee on Local Government.

After consideration on the merits, the Committee recommends the following:

HB13-1097 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, **repeal** 30-10-609
4 as follows:

5 **30-10-609. Physicians summoned - compensation.** In any case
6 wherein the coroner orders a post-mortem examination, he may summon
7 one or more licensed physicians to make a scientific examination of the
8 body of the deceased, and each such physician shall be allowed
9 reasonable compensation for his services. The amount of such
10 compensation shall be determined by the coroner within the limits
11 prescribed by the board of county commissioners. Any person so
12 summoned may rely on the coroner's act in ordering an examination, and
13 it shall be legally presumed that he has acted with due legal authority.

14 **SECTION 2.** In Colorado Revised Statutes, **repeal** 30-10-621 as
15 follows:

16 **30-10-621. Removal of pituitary gland - authorization.**
17 ~~(1) Whenever a post-mortem examination is performed pursuant to~~
18 ~~section 30-10-606 (2), the examining physician may remove the pituitary~~
19 ~~gland from the body of the deceased for the purpose of medical research,~~
20 ~~education, or therapy if:~~

21 ~~(a) The removal is performed in conjunction with a post-mortem~~
22 ~~examination performed under the jurisdiction of the county coroner;~~

23 ~~(b) The removal will not impede or interfere with the investigation~~
24 ~~which gave rise to the post-mortem examination and will not significantly~~
25 ~~alter post-mortem appearance;~~

1 ~~(c) No prior objection by the decedent is made known or no~~
2 ~~objection by the decedent's next of kin is expressed at the time of the~~
3 ~~post-mortem examination and the decedent was not a known member of~~
4 ~~a religious group with a public position in opposition to tissue removal.~~

5 ~~(2) No county coroner or licensed physician acting pursuant to~~
6 ~~section 30-10-606 (2) and acting in good faith and in accordance with~~
7 ~~subsection (1) of this section with respect to the removal of a pituitary~~
8 ~~gland nor any facility in which such removal takes place shall be liable~~
9 ~~for damages in any civil action or subject to prosecution in any criminal~~
10 ~~proceeding for his act.~~

11 **SECTION 3.** In Colorado Revised Statutes, **amend** 30-10-606 as
12 follows:

13 **30-10-606. Coroner - inquiry - grounds - postmortem - jury -**
14 **certificate of death.** (1) THE RESPONDING LAW ENFORCEMENT AGENCY
15 SHALL NOTIFY THE CORONER WHEN A DEATH IS DISCOVERED OR
16 CONFIRMED AS SOON AS PRACTICABLE AFTER THE SCENE IS SAFE AND
17 SECURE. The coroner shall immediately notify the district attorney
18 ~~proceed to view~~ OR HIS OR HER DESIGNEE IF BY PRIOR AGREEMENT, AND
19 THEN AT HIS OR HER DISCRETION PROCEED TO THE SCENE TO VIEW the
20 body. ~~and make~~ UPON ARRIVAL OF THE CORONER, LAW ENFORCEMENT
21 SHALL MAKE ALL REASONABLE ACCOMMODATIONS TO ALLOW THE
22 CORONER TO COLLECT TIME-SENSITIVE INFORMATION SUCH AS BODY AND
23 SCENE TEMPERATURE, LIVIDITY, AND RIGOR. THE CORONER, IN
24 COOPERATION WITH LAW ENFORCEMENT, SHALL MAKE all proper inquiry
25 ~~respecting~~ IN ORDER TO DETERMINE the cause and manner of death of any
26 person in his OR HER jurisdiction who has died under any of the following
27 circumstances:

28 (a) ~~From~~ IF THE DEATH IS OR MAY BE UNNATURAL AS A RESULT OF
29 external INFLUENCES, violence, ~~unexplained cause,~~ or ~~under suspicious~~
30 ~~circumstances~~ INJURY;

31 (a.3) DUE TO THE INFLUENCE OF OR THE RESULT OF INTOXICATION
32 BY ALCOHOL, DRUGS, OR POISON;

33 (a.5) AS A RESULT OF AN ACCIDENT, INCLUDING AT THE
34 WORKPLACE;

35 (a.7) WHEN THE DEATH OF AN INFANT OR CHILD IS UNEXPECTED OR
36 UNEXPLAINED;

37 (b) ~~Where~~ WHEN no physician is in attendance or ~~where~~ WHEN,
38 though in attendance, the physician is unable to certify the cause of death;

39 (c) ~~From thermal, chemical, or radiation injury~~ A DEATH THAT
40 OCCURS WITHIN TWENTY-FOUR HOURS OF ADMISSION TO A HOSPITAL;

41 (d) From criminal abortion, including any situation where such
42 abortion may have been self-induced;

1 (e) From a disease which may be hazardous or contagious or
2 which may constitute a threat to the health of the general public;
3 (f) IF THE DEATH OCCURS FROM THE ACTION OF A PEACE OFFICER
4 OR while in the custody of law enforcement officials or while incarcerated
5 in a public institution;
6 (g) When the death was sudden and happened to a person who
7 was in APPARENT good health; ~~or~~
8 (h) ~~From an industrial accident~~ WHEN A BODY IS UNIDENTIFIABLE,
9 DECOMPOSED, CHARRED, OR SKELETONIZED; OR
10 (i) CIRCUMSTANCES THAT THE CORONER OTHERWISE DETERMINES
11 MAY WARRANT FURTHER INQUIRY TO DETERMINE CAUSE AND MANNER OF
12 DEATH OR FURTHER LAW ENFORCEMENT INVESTIGATION.
13 (1.1) ~~After consultation with the district attorney,~~ The coroner
14 ~~may~~ SHALL request that jurisdiction of ~~any such~~ A death be transferred to
15 the coroner of the county in which the event which resulted in the death
16 of the person occurred, with the jurisdiction effective upon the acceptance
17 by the receiving coroner. ~~Such~~ THE transfer shall be in writing, and a
18 copy thereof shall be maintained in the offices of the transferring and
19 receiving coroners. THE DISTRICT ATTORNEY FROM EACH COUNTY
20 INVOLVED IN THE TRANSFER SHALL BE CONTACTED PRIOR TO THE
21 TRANSFER UNLESS PRIOR AGREEMENTS HAVE BEEN ESTABLISHED.
22 (1.2) (a) When a person dies as a result of circumstances specified
23 in subsection (1) of this section or is found dead and the cause of death
24 is unknown, the person who discovers the death shall report it
25 immediately to law enforcement officials or the coroner, and the coroner
26 shall take legal custody of the body.
27 (b) The body of any ~~such~~ person WHO DIES AS A RESULT OF
28 CIRCUMSTANCES SPECIFIED IN SUBSECTION (1) OF THIS SECTION shall not
29 be removed from the place of death ~~except upon the~~ PRIOR TO THE
30 ARRIVAL OF THE CORONER OR HIS OR HER DESIGNEE OR WITHOUT THE
31 authority of the coroner OR HIS OR HER DESIGNEE UNLESS IT IS NECESSARY
32 TO IDENTIFY THE VICTIM, TO PROTECT THE PROPERTY FROM DAMAGE OR
33 DESTRUCTION, OR TO PRESERVE AND PROTECT EVIDENCE, OR PROTECT
34 LIFE, HEALTH, OR SAFETY. THE CORONER, in consultation with the district
35 attorney or local law enforcement agency, ~~nor shall any article on or~~
36 ~~immediately surrounding such body be disturbed until authorized by the~~
37 ~~coroner in consultation with the district attorney or local law enforcement~~
38 ~~agency~~ SHALL FACILITATE THE TIMELY REMOVAL OF THE BODY TO
39 PRESERVE AND PROTECT EVIDENCE. THE CORONER MAY ORDER THE
40 REMOVAL OF THE BODY FOR FURTHER INVESTIGATION OR RELEASE THE
41 BODY TO THE NEXT OF KIN IF NO FURTHER INVESTIGATION IS REQUIRED BY
42 LAW ENFORCEMENT.

1 (c) IF A SUICIDE NOTE RELATED TO THE DEATH IS FOUND AT THE
2 PLACE OF DEATH, THE CORONER OR LAW ENFORCEMENT AGENCY
3 ACCORDING TO A PRIOR AGREEMENT SHALL TAKE CUSTODY OF THE NOTE
4 AS WELL AS ANY OTHER DOCUMENTATION RELATED TO THE CAUSE OR
5 MANNER OF DEATH AS IS APPROPRIATE. IF THERE IS NO PRIOR AGREEMENT,
6 LAW ENFORCEMENT SHALL HAVE THE AUTHORITY TO TAKE CUSTODY OF
7 THE SUICIDE NOTE AND SHALL PROVIDE A COPY OF THE SUICIDE NOTE TO
8 THE CORONER. THE CORONER SHALL HAVE THE AUTHORITY TO VIEW THE
9 SUICIDE NOTE PRIOR TO RECEIVING A COPY.

10 (d) IN THE CASE OF A NONCRIMINAL INVESTIGATION, THE CORONER
11 IN COLLABORATION WITH LOCAL LAW ENFORCEMENT SHALL IDENTIFY THE
12 DECEASED, DETERMINE THE DECEASED'S NEXT OF KIN, AND NOTIFY THE
13 APPROPRIATE NEXT OF KIN OR OTHER PERSONS OF THE DEATH.

14 (e) IN THE CASE OF A NONCRIMINAL INVESTIGATION, IN ORDER TO
15 ASSIST WITH THE IDENTIFICATION OF THE DECEASED, LOCATION AND
16 IDENTITY OF NEXT OF KIN, AND DETERMINATION OF THE CAUSE AND
17 MANNER OF DEATH, THE CORONER, IN COOPERATION WITH LAW
18 ENFORCEMENT, HAS THE AUTHORITY TO COLLECT, EXAMINE, AND STORE,
19 OR REQUEST LAW ENFORCEMENT TO COLLECT, EXAMINE, AND STORE, ANY
20 DOCUMENTS, EVIDENCE, OR INFORMATION, INCLUDING INFORMATION
21 AVAILABLE IN ELECTRONIC DEVICES SUCH AS PHONES OR COMPUTERS
22 SUBJECT TO THE LIMITATIONS IN THE FOURTH AMENDMENT TO THE UNITED
23 STATES CONSTITUTION AND SECTION 7 OF ARTICLE II OF THE COLORADO
24 CONSTITUTION..

25 (f) WHEN IN THE COURSE OF A CORONER INVESTIGATION, A DEATH
26 BECOMES SUSPICIOUS OR THE POSSIBILITY OF CRIMINAL ACTIVITY ARISES,
27 THE CORONER SHALL IMMEDIATELY CONSULT WITH THE DISTRICT
28 ATTORNEY AND LAW ENFORCEMENT IN THE JURISDICTION WHERE THE
29 EVENTS THAT CAUSED THE DEATH OCCURRED.

30 (g) IN THE CASE OF A NONCRIMINAL INVESTIGATION, THE CORONER
31 MAY TAKE CUSTODY OF PRESCRIPTION MEDICATIONS DISPENSED TO THE
32 DECEASED TO ASSIST IN DETERMINING THE CAUSE AND MANNER OF DEATH
33 SUBJECT TO THE LIMITATIONS IN THE FOURTH AMENDMENT TO THE UNITED
34 STATES CONSTITUTION AND SECTION 7 OF ARTICLE II OF THE COLORADO
35 CONSTITUTION. THE CORONER SHALL PROPERLY DOCUMENT, STORE, AND
36 DISPOSE OF THE MEDICATIONS OR REQUEST LAW ENFORCEMENT TO
37 DOCUMENT, STORE, AND DISPOSE OF THE MEDICATIONS.

38 (2) The coroner OR HIS OR HER DESIGNEE shall perform a forensic
39 autopsy or have a forensic autopsy performed as required by section
40 30-10-606.5 or upon the request of the district attorney. FAILURE TO
41 COMPLY WITH THIS SECTION MAY BE PROSECUTED AS A VIOLATION OF
42 18-8-405, C.R.S.

1 (2.5) IN THE CASE OF A NONCRIMINAL INVESTIGATION, THE
2 CORONER, IN COOPERATION WITH THE PUBLIC ADMINISTRATOR IF
3 APPLICABLE, MAY TAKE APPROPRIATE MEASURES TO SAFEGUARD THE
4 PROPERTY AND ITS CONTENTS. THE CORONER MAY CHARGE THE COSTS OF
5 SECURING THE PREMISES AGAINST THE ESTATE OF THE DECEASED. A
6 CORONER WHO SECURES OR SAFEGUARDS THE PROPERTY AND ITS
7 CONTENTS IS IMMUNE FROM CIVIL LIABILITY FOR DAMAGE TO OR LOSS OF
8 THE PROPERTY OR ITS CONTENTS.

9 (2.7) A CORONER SHALL COMPLY WITH INFORMATION REQUESTS
10 FOR STATISTICAL OR RESEARCH PURPOSES FROM THE DEPARTMENT OF
11 PUBLIC HEALTH AND ENVIRONMENT AND THE DEPARTMENT OF
12 TRANSPORTATION.

13 (3) When the coroner has knowledge that any person has died
14 under any of the circumstances specified in subsection (1) of this section,
15 he may summon forthwith six citizens of the county to appear at a place
16 named to hold an inquest to hear testimony and to make such inquiries as
17 he deems appropriate.

18 (4) (a) In all cases where the coroner has held an investigation or
19 inquest, the certificate of death shall be issued by the coroner. ~~or the~~
20 ~~coroner's deputy.~~

21 (b) Any certificate of death issued by a coroner ~~or a coroner's~~
22 ~~deputy~~ shall be filed with the registrar and shall state ~~their~~ THE findings
23 concerning the nature of the disease or the manner of death, and, if from
24 external causes, the certificate shall state ~~whether in their opinion~~ THE
25 MANNER OF death. ~~was accidental, suicidal, or felonious~~ In addition, the
26 certificate shall include the information described in section 25-2-103 (3)
27 (b), C.R.S., whenever the subject of the investigation or inquest is under
28 one year of age.

29 (c) A copy of the certificate of death or affidavit of presumed
30 death, including any related documents and statements of fact, shall be
31 retained INDEFINITELY in the applicable county in a secure location in an
32 appropriate county facility accessible only to the county coroner or the
33 coroner's designee and in a manner that is consistent with the county's
34 record retention policy and federal law.

35 (5) Nothing in this section shall be construed to require an
36 investigation, autopsy, or inquest in any case where death occurred
37 without medical attendance solely because the deceased was under
38 treatment by prayer or spiritual means alone in accordance with the tenets
39 and practices of a well-recognized church or religious denomination.

40 (6) (a) Notwithstanding sections 12-43-218 and 13-90-107 (1) (d)
41 or (1) (g), C.R.S., the coroner holding an inquest or investigation pursuant
42 to this section has the authority to request and receive a copy of:

1 (I) Any autopsy report or medical information from any
2 pathologist, physician, dentist, hospital, or health care provider or
3 institution if such report or information is relevant to the inquest or
4 investigation; and
5 (II) Any information, record, or report related to treatment,
6 consultation, counseling, or therapy services from any licensed
7 psychologist, professional counselor, marriage and family therapist, social
8 worker, or addiction counselor, certified addiction counselor, or
9 registered psychotherapist if the report, record, or information is relevant
10 to the inquest or investigation.
11 (b) The coroner OR HIS OR HER DESIGNEE shall, at the request of
12 the district attorney or attorney general, release to the district attorney or
13 attorney general any autopsy report or medical information described in
14 subparagraph (I) of paragraph (a) of this subsection (6) that the coroner
15 obtains pursuant to paragraph (a) of this subsection (6).
16 (c) The coroner OR HIS OR HER DESIGNEE shall not release to any
17 party any information, record, or report described in subparagraph (II) of
18 paragraph (a) of this subsection (6) that the coroner obtains pursuant to
19 paragraph (a) of this subsection (6).
20 (d) Any person who complies with a request from a coroner OR
21 HIS OR HER DESIGNEE pursuant to paragraph (a) of this subsection (6) shall
22 be immune from any civil or criminal liability that might otherwise be
23 incurred or imposed with respect to the disclosure of confidential patient
24 or client information.
25 **SECTION 4. Safety clause.** The general assembly hereby finds,
26 determines, and declares that this act is necessary for the immediate
27 preservation of the public peace, health, and safety."

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