HOUSE BILL 136

IN THE HOUSE

January	12,	1979				Introduced and referred to Committee on Human Services.
January	18,	1979				Committee recommend bill, do pass.
January	19,	1979				Printed and placed on members' desks.
January	20,	1979				Second reading, do pass.
January	22,	1979				Considered correctly engrossed.
January	23,	1979				Third reading, passed.
			IN	THE	SENAT	E
January	24,	1979				Introduced and referred to Committee on Judiciary.
March 2,	, 197	79				Committee recommend bill, not concurred.
			IN	THE	HOUSE	2
March 3,	, 197	79				Returned from Senate, not concurred.

INTRODUCED BY Daily 1 2 BY REQUEST OF THE ATTORNEY GENERAL 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE A PROCEDURE 5 FOR INVESTIGATION OF SUSPICIOUS DEATHS IN SPECIFIC 6 CIRCUMSTANCES: REQUIRING THAT A REPURT BE MADE TO THE STATE 7 MEDICAL EXAMINER; CLARIFYING THE AUTHORITY OF THE STATE 8 MEDICAL EXAMINER TO ORDER AN AUTOPSY OR OTHER EXAMINATION: 9 AND AMENDING SECTION 46-4-102+ HCA." 10 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 12

13 Section 1. Section 46-4-102, MCA, is amended to read: #46-4-102. Investigation of suspicious deaths. (1) 14 Whenever--a--coroner--is-informed-that-a-death-was-coused-by 15 16 other-than-natural-causes-or-that-a-death-has-occurred-under 17 suspect--that-the-death-is-the-result-of-criminsl-conduct-or 18 when-no-physician-or--surgean-licensed--in--the--state-of 19 20 Hontone--will--sign--e-death-certificatey-the-coroner-shall 21 soke-an-investigation-thereofy Before a body is embalmed. cremated, or dissected, the coroner shall, on his own 22 23 initiative or upon the request of the attorney general or the county attorney. conduct or have conducted an 24 25 investigation_whenever:

1	(a) the body is brought into the state without proper
2	medical_certification:_or
3	(b) the death has occurred or the body is found in the
4	county and the death appears to have occurred:
5	(i) by criminal violence:
6	<u>(ii) by accident:</u>
T	(iii) suddenly, when the deceased was in apparent good
8	bealth:
9	<u>(iv) by suicide:</u>
10	(v)_when the deceased was unattended by a practicing
11	physician:
12	(vi) in any prison or penal institution:
13	(vii) when the decaased was in the custody of a law
14	enforcement_agency:
15	(viii) in any suspicious or unusual circumstances:
16	(ix) by criminal abortion:
17	(x) by poison:
18	(xi) by disease constituting a threat to the public
19	<u>bealth:</u> or
20	<pre>(xii) by disease. injury. or a toxic agent resulting</pre>
21	from employment.
22	12) After his initial examination and investigation
23	the coroner shall isoediately prepare a written report of
24	his findings and provide copies, to the investigating law
25	enforcement agency. the county attorney. and the state H B /36
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INTRODUCED BILL

1 medical examiner.

2 <u>(2)(3)</u> It shall be the duty of every person acquiring
3 knowledge of such a death to report the same forthwith it to
4 the coroner of the county in which the death apparently
5 occurred.

6 (3)(4) In cases where criminal conduct is suspected.
7 the coroner shall notify the state medical examiner and one
8 or more law enforcement agencies having jurisdiction. The
9 law enforcement agencies so notified shall have the
10 responsibility to investigate the case."

11 <u>NEW_SECTION</u> Section 2. Authority to order or 12 perform autopsy. Whenever a death occurs under any of the 13 circumstances enumerated in 46-4-102(1), the state medical 14 examiner may perform or have performed an autopsy or any 15 other laboratory examination he considers necessary or in 16 the public interest.

Section 3. Codification. Section Z of this act shall
 be codified in Title 44. chapter 3. part 2. All references
 to such chapter 3 or part 2 in the MCA include section 2.

-End-

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46th Legislature

Approved by Comm. on Human Services TOUSE BILL NO. 136 1 INTRODUCED BY z BY REQUEST OF THE ATTORNEY GENERAL 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE A PROCEDURE 5 FOR INVESTIGATION OF SUSPICIOUS DEATHS IN SPECIFIC 6 CIRCUMSTANCES; REQUIRING THAT A REPORT BE MADE TO THE STATE 7 8 MEDICAL EXAMINER; CLARIFYING THE AUTHORITY OF THE STATE MEDICAL EXAMINER TO ORDER AN AUTOPSY OR OTHER EXAMINATION: 9 10 AND AMENDING SECTION 46-4-102. MCA.* 11 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTAPA: 13 Section 1. Section 46-4-102, MCA, is amended to read: #46-4-102. Investigation of suspicious deaths. (1) 14 Whenever--a--coroner--is-informed-that-a-death-was-caused-by 15 16 other-than-natural-couses-or-that-a-death-has-occurred-under 17 circumstances-such-as--to--affard--a--reasonable--ground--to 18 suspect--that-the-death-is-the-result-of-criminal-conduct-or 19 when-no-physician-or--surgeon-licensed-la-the-state-of 20 Hontana--will--sign--a--death-certificatey-the-coroner-shall 21 make-an-investigation-thereofy <u>Before a body is embalaeds</u> 22 cremated, or dissected, the coroner shall, on his own 23 initiative or upon the request of the attorney general or 24 the county attorney, conduct or have conducted an

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6	<u>fii) by accidenti</u>
7	[iii] suddenly. when the deceased was in apparent good
8	<u>health:</u>
9	(iv) by suicide:
10	(v) when the deceased was unattended by a practicing
11	physiciani
12	(vi) in any prison or penal institution:
13	(vii) when the deceased was in the custody of a law
14	enforcement_agency:
15	<u>(viii) in any suspicious or unusual circumstances;</u>
16	<u>(ix) by criminal abortion:</u>
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18	[xi] by disease constituting a threat to the public
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21	from_employment.
22	[2] After bis initial examination and investigation
23	the coroner shall immediately prepare a written report of
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	-2- SECOND READIN

1 medical examiners

2 <u>121(3)</u> It shall be the duty of every person acquiring
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THIRD

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