

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 SENATE

January 24, 1979	Introduced and referred to Committee on Judiciary.
March 2, 1979	Committee recommend bill, not concurred.

IN THE HOUSE

March 3, 1979	Returned from Senate, not concurred.
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1 House E BILL NO. 136
 2 INTRODUCED BY Daily
 3 BY REQUEST OF THE ATTORNEY GENERAL

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 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE A PROCEDURE
 6 FOR INVESTIGATION OF SUSPICIOUS DEATHS IN SPECIFIC
 7 CIRCUMSTANCES; REQUIRING THAT A REPORT BE MADE TO THE STATE
 8 MEDICAL EXAMINER; CLARIFYING THE AUTHORITY OF THE STATE
 9 MEDICAL EXAMINER TO ORDER AN AUTOPSY OR OTHER EXAMINATION;
 10 AND AMENDING SECTION 46-4-102, MCA."

11
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Section 46-4-102, MCA, is amended to read:

14 "46-4-102. Investigation of suspicious deaths. (1)
 15 ~~Whenever a coroner is informed that a death was caused by~~
 16 ~~other than natural causes or that a death has occurred under~~
 17 ~~circumstances such as to afford a reasonable ground to~~
 18 ~~suspect that the death is the result of criminal conduct or~~
 19 ~~when no physician or surgeon licensed in the state of~~
 20 ~~Montana will sign a death certificate, the coroner shall~~
 21 ~~make an investigation thereof.~~ Before a body is embalmed,
 22 created, 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
 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 (ii) by accident;
 - 7 (iii) suddenly, when the deceased was in apparent good
 - 8 health;
 - 9 (iv) by suicide;
 - 10 (v) when the deceased was unattended by a practicing
 - 11 physician;
 - 12 (vi) in any prison or penal institution;
 - 13 (vii) when the deceased 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 health; or
 - 20 (xii) by disease, injury, or a toxic agent resulting
 - 21 from employment;
 - 22 (2) After his initial examination and investigation
 - 23 the coroner shall immediately prepare a written report of
 - 24 his findings and provide copies to the investigating law
 - 25 enforcement agency, the county attorney, and the state

1 medical examiner.

2 ~~(2)~~(3) 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 NEW SECTION. 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.

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

-End-

*Approved by Comm.
on Human Services*

House E BILL NO. 126
Darby

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 - 22 (2) After his initial examination and investigation
 - 23 the coroner shall immediately prepare a written report of
 - 24 his findings and provide copies to the investigating law
 - 25 enforcement agency, the county attorney, and the state

1 medical examiner.

2 †2†(3) 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 NEW SECTION. Section 2. Authority to order or
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HB 136
 THIRD READING

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