

HB 327 INTRODUCED BY BULGER  
SUDDEN INFANT DEATH SYNDROME INVESTIGATION AND  
AUTOPSY REQUIRED

1/20 INTRODUCED  
1/20 REFERRED TO HUMAN SERVICES & AGING  
1/27 HEARING  
1/28 FISCAL NOTE REQUESTED  
1/30 FISCAL NOTE RECEIVED  
2/05 COMMITTEE REPORT--BILL NOT PASSED AS AMENDED  
2/06 ADVERSE COMMITTEE REPORT REJECTED 67 32  
2/17 2ND READING PASSED AS AMENDED 50 46  
2/19 3RD READING PASSED 56 43

TRANSMITTED TO SENATE  
2/21 REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY  
3/23 HEARING  
3/26 COMMITTEE REPORT--BILL CONCURRED AS AMENDED  
3/30 2ND READING NOT CONCURRED 22 22  
3/30 PLACED ON 2ND READING THIS DAY 50 0  
3/30 2ND READING NOT CONCURRED 25 25  
3/30 2ND READING INDEFINITELY POSTPONE  
MOTION FAILED 25 25  
4/08 2ND READING CONCURRED AS AMENDED 27 21  
4/09 3RD READING CONCURRED 29 21

RETURNED TO HOUSE WITH AMENDMENTS  
4/13 2ND READING AMENDMENTS NOT CONCURRED 97 0  
4/16 CONFERENCE COMMITTEE APPOINTED  
4/16 CONFERENCE COMMITTEE DISSOLVED

DIED IN PROCESS

1 House BILL NO. 327  
2 INTRODUCED BY *Julgen*

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE COUNTY  
5 CORONER TO INVESTIGATE AND PERFORM AN AUTOPSY IF AN INFANT  
6 IS ALLEGED TO HAVE DIED FROM SUDDEN INFANT DEATH SYNDROME;  
7 AND AMENDING SECTIONS 46-4-102 AND 46-4-103, MCA."

8  
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

11 "46-4-102. Investigation of suspicious deaths. (1)  
12 Whenever a coroner is informed that a death was caused by  
13 other than natural causes, or ~~that a death has~~ occurred  
14 under circumstances ~~such as to~~ that afford a reasonable  
15 ground to suspect that the death ~~is was~~ the result of  
16 criminal conduct, or when no physician or surgeon licensed  
17 in the state of Montana will sign a death certificate, or  
18 the alleged cause of the death is sudden infant death  
19 syndrome, the coroner shall make an investigation thereof  
20 investigate the death.

21 (2) ~~It shall be the duty of every~~ A person acquiring  
22 knowledge of such a death to referred to in subsection (1)  
23 shall immediately report the same forthwith death to the  
24 coroner of the county in which death apparently occurred.

25 (3) ~~In cases where~~ If criminal conduct is suspected,

1 the coroner shall notify the state medical examiner and one  
2 or more law enforcement agencies having jurisdiction. The  
3 law enforcement agencies ~~so notified shall have the~~  
4 responsibility to shall investigate the case death."

5 Section 2. Section 46-4-103, MCA, is amended to read:

6 "46-4-103. Autopsy -- when conducted, record, scope.

7 (1) If in cases in which the alleged cause of death is other  
8 than sudden infant death syndrome, if in the opinion of the  
9 coroner an autopsy is advisable, he shall order one and  
10 shall retain a medical examiner to perform it. Performance  
11 Except as provided in subsection (2), performance of  
12 autopsies is within the discretion of the coroner except  
13 that; however, the county attorney or attorney general may  
14 require one. In ordering an autopsy the coroner shall order  
15 the body to be exhumed if it has been interred.

16 (2) If the alleged cause of death is sudden infant  
17 death syndrome, the coroner shall, within 24 hours or as  
18 soon after that time as is feasible, perform an autopsy  
19 unless a parent of the infant objects and the infant's  
20 physician certifies that death was caused by sudden infant  
21 death syndrome.

22 ~~(2)(3)~~ A full record of the facts found shall be made  
23 on a form provided by the division of forensic science in  
24 triplicate, the coroner and medical examiner retaining one  
25 copy and delivering the other to the county attorney.



1        ~~f3~~(4) The right to conduct an autopsy shall include  
2 the right to retain such specimens as the medical examiner  
3 performing the autopsy deems necessary.

4        ~~f4~~(5) The state of Montana shall pay any expenses  
5 incurred whenever an autopsy or investigation is initiated  
6 at the request of the state medical examiner or attorney  
7 general. The county shall pay any expenses incurred whenever  
8 an autopsy or investigation is initiated at the request of  
9 the county attorney or county coroner."

-End-

## STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB327, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act requiring the County Coroner to investigate and perform an autopsy if an infant is alleged to have died from sudden infant death syndrome and amending Sections 46-4-102 and 46-4-103, MCA.

ASSUMPTIONS:

1. The county shall pay any expenses incurred whenever an autopsy or investigation is initiated at the request of the County Attorney or County Coroner. Section 46-4-103(5), MCA.
2. The Department of Health and Environmental Sciences' Maternal and Child Health Block Grant will reimburse counties a maximum of \$350/autopsy for SIDS cases.
3. Calendar 1985 incidence of SIDS in Montana represents an average annual incidence and proportion of autopsies performed, i.e., 34 deaths of which 31 autopsies are documented.
4. Average infant autopsy cost = \$450.

FISCAL IMPACT:

	<u>FY88</u>		<u>FY89</u>		<u>89 Biennium Difference</u>
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Current Law</u>	<u>Proposed Law</u>	
Increased County Non-reimbursable Expense	\$ 0	\$ 300	\$ 0	\$ 300	\$ 600

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

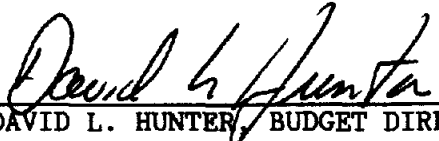
See fiscal impact.

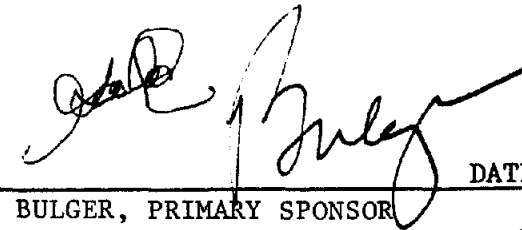
LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

None noted.

TECHNICAL OR MECHANICAL DEFECTS IN PROPOSED LEGISLATION OR CONFLICTS WITH EXISTING LEGISLATION:

None noted.

 DATE 1/30/87  
 DAVID L. HUNTER, BUDGET DIRECTOR  
 Office of Budget and Program Planning

 DATE \_\_\_\_\_  
 TOM BULGER, PRIMARY SPONSOR  
 Fiscal Note for HB327, as introduced.

HB 327

HB 0327/02  
COMM. ON  
HUMAN SERVICES AND AGING  
RECOMMEND DO NOT PASS  
AS AMENDED  
ON MOTION, PRINTED AND  
PLACED ON SECOND READING

HOUSE BILL NO. 327  
INTRODUCED BY BULGER

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE COUNTY CORONER TO INVESTIGATE AND PERFORM ORDER AN AUTOPSY IF AN INFANT IS ALLEGED TO HAVE DIED FROM SUDDEN INFANT DEATH SYNDROME; AND AMENDING SECTIONS 46-4-102 AND 46-4-103, MCA."

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

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

"46-4-102. Investigation of suspicious deaths. (1) Whenever a coroner is informed that a death was caused by other than natural causes, or ~~that a death has~~ occurred under circumstances ~~such as to~~ that afford a reasonable ground to suspect that the death ~~is~~ was the result of criminal conduct, or when no physician or surgeon licensed in the state of Montana will sign a death certificate, or the alleged cause of the death is sudden infant death syndrome, the coroner shall ~~make an investigation thereof~~ investigate the death.

(2) ~~It shall be the duty of every~~ A person acquiring knowledge of such a death to referred to in subsection (1) shall immediately report the ~~same forthwith~~ death to the coroner of the county in which death apparently occurred.

(3) ~~In cases where~~ If criminal conduct is suspected,

the coroner shall notify the state medical examiner and one or more law enforcement agencies having jurisdiction. The law enforcement agencies ~~so notified shall have the~~ responsibility to shall investigate the case death."

Section 2. Section 46-4-103, MCA, is amended to read:

"46-4-103. Autopsy -- when conducted, record, scope.

(1) ~~If~~ In cases in which the alleged cause of death is other than sudden infant death syndrome, if in the opinion of the coroner an autopsy is advisable, he shall order one and shall retain a medical examiner to perform it. Performance Except as provided in subsection (2), performance of autopsies is within the discretion of the coroner except that; however, the county attorney or attorney general may require one. In ordering an autopsy the coroner shall order the body to be exhumed if it has been interred.

(2) (A) If the alleged cause of death is sudden infant death syndrome, the coroner shall, AFTER CONSULTATION WITH THE PARENTS, ORDER THAT within 24 hours or as soon after that time as is feasible perform an autopsy BE PERFORMED unless a parent THE PARENTS of the infant objects OBJECT and the infant's physician certifies that death was caused by sudden infant death syndrome.

(B) FOR THE PURPOSES OF CONSULTATION ABOUT AND OBJECTING TO AN AUTOPSY IN SUBSECTION (2)(A), "THE PARENTS" ARE:

1        (I) BOTH PARENTS IF THE PARENTS ARE MARRIED TO EACH  
2        OTHER OR ARE DIVORCED WITH JOINT CUSTODY OF THE DECEASED  
3        INFANT AND BOTH ARE WITHIN THE STATE;

4        (II) THE CUSTODIAL PARENT IF THE PARENTS NEVER MARRIED,  
5        ONE PARENT IS DECEASED, THE PARENTS ARE DIVORCED WITH  
6        CUSTODY AWARDED TO ONE PARENT, OR THE PARENTS ARE DIVORCED  
7        WITH JOINT CUSTODY BUT ONE PARENT IS NOT WITHIN THE STATE;

8        (III) THE PERSON OR PERSONS WHO WERE LEGAL GUARDIANS OF  
9        THE LIVING INFANT.

10        ~~(2)~~(3) A full record of the facts found shall be made  
11        on a form provided by the division of forensic science in  
12        triplicate, the coroner and medical examiner retaining one  
13        copy and delivering the other to the county attorney.

14        ~~(3)~~(4) The right to conduct an autopsy shall include  
15        the right to retain such specimens as the medical examiner  
16        performing the autopsy deems necessary.

17        ~~(4)~~(5) The state of Montana shall pay any expenses  
18        incurred whenever an autopsy or investigation is initiated  
19        at the request of the state medical examiner or attorney  
20        general. The county shall pay any expenses incurred whenever  
21        an autopsy or investigation is initiated at the request of  
22        the county attorney or county coroner."

-End-

HOUSE BILL NO. 327  
INTRODUCED BY BULGER

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A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE COUNTY CORONER TO INVESTIGATE AND PERFORM ORDER AN AUTOPSY IF AN INFANT IS ALLEGED TO HAVE DIED FROM SUDDEN INFANT DEATH SYNDROME; AND AMENDING SECTIONS 46-4-102 AND 46-4-103, MCA."

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

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

"46-4-102. Investigation of suspicious deaths. (1)

Whenever a coroner is informed that a death was caused by other than natural causes, or that a death has occurred under circumstances such as to that afford a reasonable ground to suspect that the death is was the result of criminal conduct, or when no physician or surgeon licensed in the state of Montana will sign a death certificate, or the alleged cause of the death is sudden infant death syndrome, the coroner shall make an investigation thereof investigate the death.

(2) It shall be the duty of every A person acquiring knowledge of such a death to referred to in subsection (1) shall immediately report the same forthwith death to the coroner of the county in which death apparently occurred.

(3) In cases where If criminal conduct is suspected,

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the coroner shall notify the state medical examiner and one or more law enforcement agencies having jurisdiction. The law enforcement agencies so notified shall have the responsibility to shall investigate the case death."

Section 2. Section 46-4-103, MCA, is amended to read:

"46-4-103. Autopsy -- when conducted, record, scope.

(1) If in cases in which the alleged cause of death is other than sudden infant death syndrome, if IF in the opinion of the coroner an autopsy is advisable, he shall order one and shall retain a medical examiner to perform it. Performance Except as provided in subsection (2), performance of autopsies is within the discretion of the coroner except that; however, the county attorney or attorney general may require one. In ordering an autopsy the coroner shall order the body to be exhumed if it has been interred.

(2) (A) If the alleged cause of death is sudden infant death syndrome, the coroner shall, AFTER CONSULTATION WITH THE PARENTS, ORDER THAT within 24 hours or as soon after that time as is feasible, perform an autopsy SHALL BE PERFORMED BY A MEDICAL EXAMINER unless a parent THE PARENTS OR GUARDIANS of the infant objects OBJECT and the infant's physician certifies that death was caused by sudden infant death syndrome. THE PARENTS OR GUARDIAN OF THE CHILD SHALL RECEIVE A PRELIMINARY REPORT OF THE AUTOPSY WITHIN 5 DAYS OF THE INFANT'S DEATH.



1       ~~(B) FOR THE PURPOSES OF CONSULTATION ABOUT AND~~  
2       ~~OBJECTING TO AN AUTOPSY IN SUBSECTION (2)(A), "THE PARENTS"~~  
3       ~~ARE:~~  
4       ~~(i) BOTH PARENTS IF THE PARENTS ARE MARRIED TO EACH~~  
5       ~~OTHER OR ARE DIVORCED WITH JOINT CUSTODY OF THE DECEASED~~  
6       ~~INFANT AND BOTH ARE WITHIN THE STATE;~~  
7       ~~(ii) THE CUSTODIAL PARENT IF THE PARENTS NEVER MARRIED,~~  
8       ~~ONE PARENT IS DECEASED, THE PARENTS ARE DIVORCED WITH~~  
9       ~~CUSTODY AWARDED TO ONE PARENT, OR THE PARENTS ARE DIVORCED~~  
10       ~~WITH JOINT CUSTODY BUT ONE PARENT IS NOT WITHIN THE STATE;~~  
11       ~~(iii) THE PERSON OR PERSONS WHO WERE LEGAL GUARDIANS OF~~  
12       ~~THE LIVING INFANT.~~

13       (2)(3) A full record of the facts found shall be made  
14       on a form provided by the division of forensic science in  
15       triplicate, the coroner and medical examiner retaining one  
16       copy and delivering the other to the county attorney.

17       (3)(4) The right to conduct an autopsy shall include  
18       the right to retain such specimens as the medical examiner  
19       performing the autopsy deems necessary.

20       (4)(5) The state of Montana shall pay any expenses  
21       incurred whenever an autopsy or investigation is initiated  
22       at the request of the state medical examiner or attorney  
23       general AND FOR AUTOPSIES RELATED TO ALLEGED SUDDEN INFANT  
24       DEATH SYNDROME. The county shall pay any expenses incurred  
25       whenever an autopsy or investigation is initiated at the

1       request of the county attorney or county coroner."

-End-



1 HOUSE BILL NO. 327  
 2 INTRODUCED BY BULGER  
 3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT ~~REQUIRING~~ PROVIDING  
 5 THAT THE COUNTY CORONER ~~TO~~ MAY INVESTIGATE AND PERFORM ORDER  
 6 AN AUTOPSY IF AN INFANT IS ~~ALLEGED~~ SUSPECTED TO HAVE DIED  
 7 FROM SUDDEN INFANT DEATH SYNDROME;~~---AND---AMENDING---SECTIONS~~  
 8 ~~46-4-102-AND-46-4-103-MCA."~~

9  
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 (Refer to Third Reading Copy)

12 Strike everything after the enacting clause and insert:

13 Section 1. Sudden infant death syndrome --  
 14 investigation. (1) If a child under the age of 2 years dies  
 15 suddenly and unexpectedly under circumstances indicating  
 16 that the death may have been caused by sudden infant death  
 17 syndrome, the coroner may order an autopsy performed by the  
 18 state medical examiner if the coroner ~~considers~~~~---an---autopsy~~  
 19 ~~necessary~~~~---to---accurately---and---scientifically-determine-the~~  
 20 cause-of-death IS INFORMED THAT A DEATH WAS CAUSED BY OTHER  
 21 THAN NATURAL CAUSES OR OCCURRED UNDER CIRCUMSTANCES THAT  
 22 AFFORD A REASONABLE GROUND TO SUSPECT THAT THE DEATH WAS THE  
 23 RESULT OF CRIMINAL CONDUCT. If the coroner does not consider  
 24 an autopsy necessary but the parents or guardian request  
 25 one, the coroner shall order an autopsy performed.

1 (2) If an autopsy is performed, the parents or  
 2 guardian must receive a preliminary report of the autopsy  
 3 within 5 days of the infant's death.

4 (3) The state shall bear the cost of an autopsy.

5 (4) If a death is suspected of having been caused by  
 6 sudden infant death syndrome, the coroner must investigate  
 7 the scene of the death to determine if there is any evidence  
 8 which would assist in making a determination of the cause of  
 9 death.

10 Section 2. Codification instruction. Section 1 is  
 11 intended to be codified as an integral part of Title 50,  
 12 chapter 22, and the provisions of Title 50, chapter 22,  
 13 apply to section 1.

-End-

# STANDING COMMITTEE REPORT

## SENATE

SCRHB327

.....March 25,..... 19.87.....

MR. PRESIDENT

Public Health, Welfare & Safety

We, your committee on.....

House Bill

327

having had under consideration..... No.....

third

blue

reading copy ( \_\_\_\_\_ )  
color

### SUDDEN INFANT DEATH SYNDROME INVESTIGATION AND AUTOPSY REQUIRED

BULGER (VANVALKENBERG)

Respectfully report as follows: That.....House Bill..... No...327.....

BE AMENDED AS FOLLOWS:

1. Page 2, line 11.

Following: "subsection"

Strike: "(2)"

Insert: "(3)"

2. Page 2, following line 15.

Insert: "(2) If the alleged cause of death is sudden infant death syndrome, the coroner shall inform the parents or guardians that:

(a) an autopsy is required to establish the cause of death;

(b) the cost of the autopsy will be borne by the state; and

(c) if they object to an autopsy and the infant's attending physician certifies that the death was caused by sudden infant death syndrome, an autopsy is not required under subsection (3)."

Renumber: subsequent subsections

KPK

AND AS AMENDED,  
BE CONCURRED IN

~~RECEIVED~~

~~DO NOT WRITE~~

*Donald Eck*

Chairman.

Senator Eck

3-25-87  
7:30

COMMITTEE OF THE WHOLE AMENDMENT

SENATE

4-8-87

DATE

8:20

TIME

MR. CHAIRMAN: I MOVE TO AMEND House Bill No. 327

third reading copy ( blue ) as follows:  
Color

- 1. Title, line 4.  
Strike: "REQUIRING"  
Insert: "PROVIDING THAT"
- 2. Title, line 5.  
Strike: "TO"  
Insert: "MAY"
- 3. Title, line 6.  
Strike: "ALLEGED"  
Insert: " SUSPECTED "
- 4. Title, line 7.  
Strike: "; AND AMENDING SECTIONS 46-4-102 AND 46-4-103, MCA"
- 5. Pages 1 through 4.  
Strike: Everything following the enacting clause  
Insert: "Section 1. Sudden infant death syndrome -- investigation. (1) If a child under the age of 2 years dies suddenly and unexpectedly under circumstances indicating that the death may have been caused by sudden infant death syndrome, the coroner may order an autopsy performed by the state medical examiner if the coroner ~~considers an autopsy necessary to accurately and scientifically determine the cause of death.~~ If the coroner does not consider an autopsy necessary but the parents or guardian request one, the coroner shall order an autopsy performed.  
(2) If an autopsy is performed, the parents or guardian must receive a preliminary report of the autopsy within 5 days of the infant's death.  
(3) The state shall bear the cost of an autopsy.  
(4) If a death is suspected of having been caused by sudden infant death syndrome, the coroner must investigate the scene of the death to determine if there is any evidence which would assist in making a determination of the cause of death.

Section 2. Codification instruction. Section 1 is intended to be codified as an integral part of Title 50, chapter 22, and the provisions of Title 50, chapter 22, apply to section 1."

Amend Senate Standing Committee Report of the Public Health, Welfare, and Safety Committee, dated March 25, 1987, as follows:

- 6. Strike amendments 1 and 2 in their entirety.

ADOPT  
REJECT

*V. Valkenburg*  
Senator Van Valkenburg

COMMITTEE OF THE WHOLE AMENDMENT

SENATE

4-8-87

DATE

4:20

TIME

MR. CHAIRMAN: I MOVE TO AMEND House Bill No. 327

third reading copy ( blue ) as follows:  
Color

AMEND SENATOR VAN VALKENBURG'S COMMITTEE OF THE WHOLE AMENDMENT, DATED 4-8-87 AT 8:20.

- 1. Amendment no. 5, Section 1(1).  
Following: "if the coroner"  
Strike: "considers an autopsy necessary to accurately and scientifically determine the cause of death"  
Insert: "is informed that a death was caused by other than natural causes or occurred under circumstances that afford a reasonable ground to suspect that the death was the result of criminal conduct"

ADOPT  
REJECT

*John Regan*  
Senator Regan