

SENATE BILL 171

Introduced by Pinsoneault

1/18	Introduced
1/18	Referred to State Administration
1/23	Hearing
1/23	Committee Report--Bill Passed
1/25	2nd Reading Passed
1/27	3rd Reading Passed

Transmitted to House

2/21	Referred to State Administration
3/07	Hearing
3/07	Tabled in Committee

1 *Senate* BILL NO. 171
2 INTRODUCED BY *Tim McDaniel*
3 BY REQUEST OF THE DEPARTMENT OF JUSTICE
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT IDENTIFYING THE STATE
6 MEDICAL EXAMINER AS THE ADMINISTRATOR OF THE OFFICE OF
7 FORENSIC PATHOLOGY AND THE LABORATORY OF CRIMINALISTICS;
8 CLARIFYING THE DUTIES OF THE STATE MEDICAL EXAMINER AND THE
9 MANAGER OF THE LABORATORY OF CRIMINALISTICS; AND AMENDING
10 SECTIONS 44-3-201, 44-3-211, 44-3-212, 44-3-214, 44-3-301,
11 44-3-303, AND 44-3-304, MCA."
12

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

14 **Section 1.** Section 44-3-201, MCA, is amended to read:

15 "44-3-201. State medical examiner. A state medical
16 examiner must be appointed by the attorney general to
17 administer department functions assigned by 44-3-104 and to
18 serve as the administrator of the office of forensic
19 pathology and the laboratory of criminalistics. The state
20 medical examiner may perform such other duties as may be
21 assigned by the attorney general. The state medical examiner
22 must be a forensic pathologist qualified and certified in
23 forensic pathology by the American board of pathology."
24

25 **Section 2.** Section 44-3-211, MCA, is amended to read:

"44-3-211. Duties of state medical examiner --

1 general. The duties of the state medical examiner include
2 but are not limited to the following:

- 3 (1) providing assistance and consultation to associate
4 medical examiners, coroners, and law enforcement officers;
5 (2) providing court testimony when necessary to
6 accomplish the purposes of this chapter;
7 (3) stimulating and directing research in the field of
8 forensic pathology; and
9 (4) maintaining an ongoing educational and training
10 program for associate medical examiners, coroners, and law
11 enforcement officers; and
12 (5) providing direction and leadership for the office
13 of forensic pathology and the laboratory of criminalistics."

14 **Section 3.** Section 44-3-212, MCA, is amended to read:

15 "44-3-212. Duties of state medical examiner --
16 appointments. The duties of the state medical examiner
17 include but are not limited to the following:

- 18 (1) appointing, subject to the approval of the
19 attorney general, the director manager of the laboratory of
20 criminalistics;
21 (2) appointing, subject to the approval of the
22 attorney general, one or more associate medical examiners
23 who serve at his pleasure; and
24 (3) appointing, if he considers it necessary, subject
25 to the approval of the attorney general, an administrative

1 assistant to handle administrative duties."

2 **Section 4.** Section 44-3-214, MCA, is amended to read:

3 "44-3-214. **Records.** Copies of records, photographs,
4 diagrams, and detailed findings of autopsy and laboratory
5 investigations shall be maintained by the state medical
6 examiner's office."

7 **Section 5.** Section 44-3-301, MCA, is amended to read:

8 "44-3-301. **Purpose and functions of laboratory.** (1)
9 The laboratory's purpose is to perform analysis of specimens
10 submitted by all Montana state, county, or city law
11 enforcement officers and all state agencies and referral
12 specimens from other states if accepted by the laboratory
13 director manager.

14 (2) The laboratory's functions include analysis of
15 toxicologic and criminalistic specimens which the laboratory
16 director manager considers within the performance capability
17 of the laboratory."

18 **Section 6.** Section 44-3-303, MCA, is amended to read:

19 "44-3-303. **Duties of laboratory director manager.** The
20 laboratory director manager shall:

21 (1) be responsible to the state medical examiner for
22 supervision supervising and-direction-of the daily operation
23 of the laboratory;

24 (2) appoint laboratory personnel, subject to the
25 approval of the state medical examiner;

1 (3) render decisions as to the disposition of
2 specimens; and

3 (4) perform all other duties required by the rules of
4 the department."

5 **Section 7.** Section 44-3-304, MCA, is amended to read:

6 "44-3-304. **Removal of laboratory director manager.**
7 The laboratory director manager may be removed from office
8 only for neglect of duty, incompetency, or other good cause
9 and only after a full hearing pursuant to 2-18-1011 through
10 2-18-1013."

-End-

APPROVED BY COMMITTEE
ON STATE ADMINISTRATIONBILL NO. 171INTRODUCED BY Tim McNeill

BY REQUEST OF THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT IDENTIFYING THE STATE MEDICAL EXAMINER AS THE ADMINISTRATOR OF THE OFFICE OF FORENSIC PATHOLOGY AND THE LABORATORY OF CRIMINALISTICS; CLARIFYING THE DUTIES OF THE STATE MEDICAL EXAMINER AND THE MANAGER OF THE LABORATORY OF CRIMINALISTICS; AND AMENDING SECTIONS 44-3-201, 44-3-211, 44-3-212, 44-3-214, 44-3-301, 44-3-303, AND 44-3-304, MCA."

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"44-3-201. State medical examiner. A state medical examiner must be appointed by the attorney general to administer department functions assigned by 44-3-104 and to serve as the administrator of the office of forensic pathology and the laboratory of criminalistics. The state medical examiner may perform such other duties as may be assigned by the attorney general. The state medical examiner must be a forensic pathologist qualified and certified in forensic pathology by the American board of pathology."

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- (2) providing court testimony when necessary to accomplish the purposes of this chapter;
- (3) stimulating and directing research in the field of forensic pathology; and
- (4) maintaining an ongoing educational and training program for associate medical examiners, coroners, and law enforcement officers; and
- (5) providing direction and leadership for the office of forensic pathology and the laboratory of criminalistics."

Section 3. Section 44-3-212, MCA, is amended to read:

"44-3-212. Duties of state medical examiner -- appointments. The duties of the state medical examiner include but are not limited to the following:

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- (2) appointing, subject to the approval of the attorney general, one or more associate medical examiners who serve at his pleasure; and
- (3) appointing, if he considers it necessary, subject to the approval of the attorney general, an administrative

1 assistant to handle administrative duties."

2 **Section 4.** Section 44-3-214, MCA, is amended to read:

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4 diagrams, and detailed findings of autopsy and laboratory
5 investigations shall be maintained by the state medical
6 examiner's office."

7 **Section 5.** Section 44-3-301, MCA, is amended to read:

8 "44-3-301. Purpose and functions of laboratory. (1)
9 The laboratory's purpose is to perform analysis of specimens
10 submitted by all Montana state, county, or city law
11 enforcement officers and all state agencies and referral
12 specimens from other states if accepted by the laboratory
13 director manager.

14 (2) The laboratory's functions include analysis of
15 toxicologic and criminalistic specimens which the laboratory
16 director manager considers within the performance capability
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19 "44-3-303. Duties of laboratory director manager. The
20 laboratory director manager shall:

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22 supervision supervising and-direction-of the daily operation
23 of the laboratory;

24 (2) appoint laboratory personnel, subject to the
25 approval of the state medical examiner;

1 (3) render decisions as to the disposition of
2 specimens; and

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4 the department."

5 **Section 7.** Section 44-3-304, MCA, is amended to read:

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7 The laboratory director manager may be removed from office
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