

SENATE BILL No. 335

May 14, 2015, Introduced by Senators EMMONS, JONES, BOOHER, KNOLLENBERG, NOFS and BIEDA and referred to the Committee on Judiciary.

A bill to amend 1953 PA 181, entitled

"An act relative to investigations in certain instances of the causes of death within this state due to violence, negligence or other act or omission of a criminal nature or to protect public health; to provide for the taking of statements from injured persons under certain circumstances; to abolish the office of coroner and to create the office of county medical examiner in certain counties; to prescribe the powers and duties of county medical examiners; to prescribe penalties for violations of the provisions of this act; and to prescribe a referendum thereon,"

by amending section 5 (MCL 52.205), as amended by 2010 PA 108.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) If a county medical examiner has notice that the
2 body of an individual who may have died in a manner described in
3 section 3 has been found within the county medical examiner's

1 county, the county medical examiner shall take charge of the body.
2 If after examining the body and investigating the cause and manner
3 of the death the county medical examiner considers a further
4 examination necessary, he or she may cause the body to be removed
5 to the public morgue. If the investigation is solely for the reason
6 that the decedent had no medical attendance during the 48 hours
7 immediately preceding the hour of death, and if the decedent had
8 chosen not to have medical attendance because of his or her bona
9 fide held religious convictions, removal is not required unless
10 there is evidence of other conditions described in section 3. If
11 there is no public morgue, the body may be removed to a private
12 morgue designated by the county medical examiner.

13 (2) The county medical examiner may designate a medical
14 examiner investigator appointed under section 1a(2) to take charge
15 of the body, make pertinent inquiry, note the circumstances
16 surrounding the death, and, if considered necessary, cause the body
17 to be transported to the morgue for examination by the county
18 medical examiner. The county medical examiner shall maintain a list
19 of medical examiner investigators appointed under section 1a(2) and
20 their qualifications and shall file the list with the local law
21 enforcement agencies. A medical examiner investigator appointed
22 under section 1a(2) shall not be an agent or employee of a person
23 or funeral establishment licensed under article 18 of the
24 occupational code, 1980 PA 299, MCL 339.1801 to 339.1812, receive,
25 directly or indirectly, remuneration in connection with the
26 disposition of the body, or make funeral or burial arrangements
27 without approval of the next of kin, if known, or the individual

1 responsible for the funeral expenses.

2 (3) The county medical examiner may perform or direct to be
3 performed an autopsy and shall carefully reduce or cause to be
4 reduced to writing each fact and circumstance tending to show the
5 condition of the body and the cause and manner of death, and shall
6 include in that writing the name and address of each individual
7 present at the autopsy. The individual performing the autopsy shall
8 subscribe the writing described in this subsection.

9 (4) Except as otherwise provided in this subsection, the
10 county medical examiner shall ascertain the identity of the
11 decedent and immediately and as compassionately as possible notify
12 the next of kin of the decedent's death and the location of the
13 body. The notification described in this subsection is not required
14 if a person from the state police, a county sheriff department, a
15 township police department, or a municipal police department states
16 to the county medical examiner that the notification has already
17 occurred.

18 (5) If visual identification of a decedent is impossible as a
19 result of burns, decomposition, or other disfiguring injuries or if
20 the county medical examiner is aware that the death is the result
21 of an accident that involved 2 or more individuals who were
22 approximately the same age, sex, height, weight, hair color, eye
23 color, and race, then the county medical examiner shall verify the
24 identity of the decedent through fingerprints, dental records, DNA,
25 or other definitive identification procedures and, if the accident
26 resulted in the survival of any individuals with the same
27 attributes, shall notify the respective hospital or institution of

1 his or her findings. The county medical examiner may conduct an
2 autopsy under subsection (3) if he or she determines that an
3 autopsy reasonably appears to be required ~~pursuant to~~ **BY** law. After
4 the county medical examiner, a deputy, a person from the state
5 police, a county sheriff department, a township police department,
6 or a municipal police department has made diligent effort to locate
7 and notify the next of kin, the county medical examiner may order
8 and conduct the autopsy with or without the consent of the next of
9 kin of the decedent. The county medical examiner or a deputy shall
10 keep a written record of the efforts to locate and notify the next
11 of kin for a period of 1 year from the date of the autopsy.

12 **(6) THE COUNTY MEDICAL EXAMINER SHALL CAUSE A DNA SAMPLE AND**
13 **FINGERPRINTING TO BE OBTAINED FROM AN UNIDENTIFIED BODY DESCRIBED**
14 **UNDER SUBSECTION (1) PRIOR TO BURIAL OR OTHER DISPOSITION OF THE**
15 **BODY, AND SHALL CAUSE THE DNA PROFILE AND FINGERPRINTING**
16 **INFORMATION OBTAINED FROM THE UNIDENTIFIED BODY TO BE ENTERED INTO**
17 **THE NATIONAL CRIME INFORMATION CENTER UNDER SECTION 8 OF 1968 PA**
18 **319, MCL 28.258.**

19 **(7) ~~(6)~~** Except as otherwise provided in this subsection, the
20 county medical examiner shall promptly deliver or return the body
21 or any portion of the body to relatives or representatives of the
22 decedent after an examination or autopsy is performed under this
23 section. If there are no relatives or representatives of the
24 decedent known to the county medical examiner, he or she may cause
25 the body to be buried ~~pursuant to~~ **AS PROVIDED BY** law. A county
26 medical examiner may retain any portion of the body that he or she
27 considers necessary to establish the cause of death, the conditions

1 contributing to death, or the manner of death, or as evidence of
2 any crime. Except as otherwise provided in this subsection, if a
3 portion of the body retained is an entire organ or limb of the
4 decedent, the county medical examiner shall attempt to verbally or
5 in writing notify the relatives or representatives of the decedent
6 of that retention and offer an opportunity for the relative or
7 representative to request the return of that organ or limb. If
8 notification is verbally made under this subsection, the county
9 medical examiner shall follow up with written notification. The
10 county medical examiner or a deputy shall keep a written record of
11 the efforts to notify the relatives or representatives of the
12 decedent under this subsection for a period of 1 year from the date
13 of the notification or attempt to notify. This subsection does not
14 apply to anatomical gifts made under part 101 of the public health
15 code, 1978 PA 368, MCL 333.10101 to 333.10123. Upon determination
16 that retention of the portions of the body is no longer necessary
17 under this subsection, the county medical examiner shall do all of
18 the following, as applicable:

19 (a) If requested in writing under this subsection, promptly
20 deliver or return the retained organ or limb to the relatives or
21 representatives of the decedent.

22 (b) Dispose of any remaining retained body portions in the
23 manner prescribed for medical waste under part 138 of the public
24 health code, 1978 PA 368, MCL 333.13801 to ~~333.13831~~.**333.13832.**

25 (8) ~~(7)~~A county medical examiner or any person acting under
26 the authority of the county medical examiner who performs the
27 medical examiner duties for the retention of body parts, as added

1 by ~~the amendatory act that added this subsection, shall~~ **2010 PA**
2 **108, IS** not be liable in a civil action as a result of an act or
3 omission by the person arising out of and in the course of the
4 person's good faith performance of those medical examiner duties
5 unless that person's act or omission was the result of that
6 person's negligence.

7 Enacting section 1. This amendatory act takes effect 90 days
8 after the date it is enacted into law.