

WORKING DRAFT

HOUSE BILL NO. _____

Medical examiners.

Sponsored by: Joint Corporations, Elections and Political
Subdivisions Interim Committee

A BILL

for

1 AN ACT relating to medical examiners; establishing a state
2 medical examiners office; providing for appointment;
3 providing for qualifications and duties; providing for
4 deputy medical examiners; making conforming amendments;
5 authorizing positions; providing an appropriation; and
6 providing for an effective date.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.** W.S. 7-4-301 through 7-4-303 are created
11 to read:

12

13 **7-4-301. State medical examiner; appointment;**
14 **qualifications; employees; salaries; duties.**

15

1 (a) A state medical examiner shall be appointed by
2 the attorney general with the consent of the governor. The
3 state medical examiner shall serve at the pleasure of the
4 attorney general. He shall be a physician licensed to
5 practice medicine in this state, meet the qualifications of
6 a forensic pathologist, be certified by the American Board
7 of Pathologists and meet other qualifications as are
8 satisfactory to the attorney general.

9

10 (b) The state medical examiner may appoint deputy
11 medical examiners and other personnel as approved by the
12 attorney general with the consent of the governor. Deputy
13 medical examiners shall be physicians licensed to practice
14 in this state.

15

16 (c) The state medical examiner and staff shall
17 receive salaries fixed by the personnel division,
18 department of administration and information.

19

20 (d) The state medical examiner shall have the
21 authority to work with each county coroner and law
22 enforcement to best determine the cause of death in a
23 coroner case as defined in W.S. 7-4-104(a)(i). This
24 includes but is not limited to:

1

2 (i) Conducting forensic investigations and
3 pathological examinations and performing autopsies in order
4 to accurately certify the cause of death;

5

6 (ii) Provide court testimony when necessary to
7 accomplish the purpose of this chapter; and

8

9 (iii) Assume custody of a deceased body if it
10 appears that the death is a coroner case as defined in W.S.
11 7-4-104(a)(i).

12

13 **7-4-302. Report to county coroner and district**
14 **attorney.**

15

16 When the cause of death has been established with
17 reasonable medical certainty, the state medical examiner
18 shall make available in writing to the county coroner and
19 district attorney his determination as to cause of death
20 and any other significant information pertaining to the
21 deceased.

22

23 **7-4-303. Records.**

1 Copies of records and detailed findings of autopsy and
2 laboratory investigations shall be maintained by the state
3 medical examiner's office.

4

5 **Section 2.** W.S. 6-4-502(b)(i), 6-5-115(a)(i), 7-3-
6 207, 7-4-201(b)(ii), (iii) and (v), and (f), 7-4-208,
7 7-4-209(a), (b) and (c), 7-4-211(a), (b), (c), (d), (e), 9-
8 1-633(f), 9-1-634(a) and (b), 9-1-702(g), 14-3-207, 16-4-
9 203(d)(i), 27-14-108(a)(xvii), 31-5-1108(a), 35-1-
10 241(a)(intro), and 35-1-418(c) are amended to read:

11

12 **6-4-502. Mutilation of dead human bodies; penalties;**
13 **exceptions.**

14

15 (b) This section does not apply to:

16

17 (i) The state health officer acting pursuant to
18 W.S. 35-1-241, or a physician or surgeon acting on the
19 order of a court of competent jurisdiction, a coroner, the
20 state medical examiner or other qualified officer;

21

22 **6-5-115. Neglect or refusal of ministerial officer to**
23 **perform duty in criminal case; unnecessary delay in serving**
24 **warrant; penalties.**

1

2 (a) A person commits a misdemeanor punishable by
3 imprisonment for not more than six (6) months, a fine of
4 not more than five hundred dollars (\$500.00), or both, if
5 he is:

6

7 (i) A clerk, sheriff, coroner, state medical
8 examiner or other ministerial officer who refuses or
9 neglects to perform any duty he is required by law to
10 perform in any criminal case or proceeding; or

11

12 **7-3-207. Issuance of governor's warrant for arrest;**
13 **contents.**

14

15 If the governor decides that the demand should be
16 complied with, he shall sign a warrant of arrest, sealed
17 with the state seal, and directed to a sheriff, marshal,
18 coroner, medical examiner or other person entrusted to
19 execute it. The warrant shall substantially recite the
20 facts necessary to the validity of its issuance.

21

22 **7-4-201. Reports of death; investigation; summoning**
23 **of jurors; fees and costs; inspection of medical records.**

24

1 (b) When the coroner is notified that the dead body
2 of any person has been found within the limits of the
3 county or that the death resulted from injury sustained
4 within the county and he suspects that the death is a
5 coroner's case, he shall conduct an investigation which ~~may~~
6 shall include:

7
8 (ii) ~~The appointment of a qualified physician~~
9 Contacting the state medical examiner to assist in
10 investigating forensic and pathologic evidence to
11 ~~determining~~ determine the cause of death;

12
13 (iii) ~~An~~ Assisting with an autopsy if the
14 ~~physician appointed to assist the coroner under this~~
15 ~~subsection~~ state medical examiner determines an autopsy is
16 necessary;

17
18 (v) Any other reasonable procedure which may be
19 necessary to determine the ~~cause~~ manner of death.

20
21 (f) Notwithstanding any other provision of law to the
22 contrary, the coroner and state medical examiner may
23 inspect medical and psychological data relating to the
24 person whose death is being investigated if the coroner and

1 state medical examiner ~~determines~~determine the information
2 is relevant and necessary to the investigation.

3

4 **7-4-208. Authority of sheriff to perform duties of**
5 **coroner.**

6

7 If there is no coroner, deputy coroner or in case of
8 their absence, or inability to act, the county sheriff of
9 the same county, ~~or~~ the state health officer pursuant to
10 W.S. 35-1-241, or the state medical examiner is authorized
11 to perform the duties of coroner in relation to dead
12 bodies.

13

14 **7-4-209. Postmortem examination; liability**
15 **limitation.**

16

17 (a) When an inquisition is being held, ~~if~~ the coroner
18 ~~or the jury shall deem it requisite, he may summon one (1)~~
19 ~~or more physicians or surgeons~~ shall contact the state
20 medical examiner to make an autopsy or postmortem
21 examination.

22

23 (b) If it is necessary to obtain or preserve evidence
24 of the cause of death, the district attorney ~~may~~ shall

1 ~~order that a qualified physician~~ contact the state medical
2 examiner to perform an autopsy or postmortem examination of
3 the body of any person who appears to have died by unlawful
4 means, by violence, or when the cause of death is unknown.

5
6 (c) No person is subject to civil liability solely
7 because he requested or was involved in the performing of
8 an autopsy that was ordered by a coroner, state medical
9 examiner or district attorney.

10
11 ***** STAFF COMMENTS *****

12 **W.S. 7-4-211 involves the Board of coroner's. A**
13 **decision will need to be made on whether or not**
14 **the medical examiner should fall under these or**
15 **other standards.**

16
17 **7-4-211. Board of coroner standards.**

18
19 (a) There is created a board of coroner standards.
20 The board shall consist of one (1) chairman and six (6)
21 members appointed by and who shall serve at the pleasure of
22 the governor as follows:

23
24 (i) One (1) shall be a physician with a specialty in
25 pathology who is licensed to practice in this state;

26

1 (ii) Three (3) shall be duly elected coroners in this
2 state;

3

4 (iii) One (1) shall be a funeral director in this
5 state;

6

7 (iv) One (1) shall be a duly elected district
8 attorney in this state;

9

10 (v) One (1) shall be a peace officer certified under
11 W.S. 9-1-701 through 9-1-707.

12

13 (b) The members of the board shall be appointed to
14 terms of four (4) years which are concurrent with the terms
15 of the office of coroner. Board members who are not elected
16 county officers or employees of a government agency shall
17 receive travel expenses and per diem in the same manner and
18 amount as state employees.

19

20 (c) The board shall:

21

22 (i) Meet at the call of the chairman or of a majority
23 of the membership;

24

1 (ii) Promulgate standards dealing with the
2 investigation of coroner's cases;

3

4 (iii) Promulgate educational and training
5 requirements for coroner basic and continuing education
6 requirements;

7

8 (iv) Cooperate with the peace officer standards and
9 training commission in developing basic and continuing
10 education courses for coroners;

11

12 (v) Promulgate employment standards for deputy
13 coroners and coroner employees. The standards may include
14 the requirement that deputy coroners and coroner employees
15 provide to the employing coroner fingerprints and other
16 information necessary for a state and national criminal
17 history record background check and release of information
18 as provided in W.S. 7-19-106(k)(ii) and federal P.L. 92-544
19 and consent to the release of any criminal history
20 information to the employing coroner.

21

22 (d) The peace officer standards and training
23 commission shall cooperate with the board of coroner

1 standards in establishing course requirements and
2 continuing education requirements required by law.

3

4 (e) The board shall contact the district attorney for
5 the county to initiate an action and may serve as
6 complaining party in an action under W.S. 18-3-902 to
7 remove any coroner who is not in compliance with W.S. 7-4-
8 103.

9

10 *** STAFF COMMENTS ***
11 W.S. 9-1-633, 9-1-634 and 9-1-702 involve
12 P.O.S.T. training for coroners. A decision will
13 need to be made on whether or not coroners,
14 medical examiners, or both need to participate in
15 the training as required here.

16

17 9-1-633. Wyoming law enforcement academy; director;
18 appointment; term; qualifications; employees; salaries;
19 curriculum and training programs; fees; disposition.

20

21 (f) The director shall charge and collect a fee
22 sufficient to cover actual direct and indirect costs of
23 coroner basic courses. The fee shall be at least three
24 hundred dollars (\$300.00) per student attending the coroner
25 basic courses.

26

1 **9-1-634. Academy to provide coroner training;**
2 **certification of completion.**

3

4 (a) The director of the Wyoming law enforcement
5 academy may provide at the academy or other location within
6 the state a basic coroner's course of forty (40) hours. The
7 course shall comply with standards promulgated by the peace
8 officers standards and training commission and the board of
9 coroner standards.

10

11 (b) The executive director of the peace officers
12 standards and training commission shall issue an
13 appropriate certificate of completion to any coroner or
14 deputy coroner who completes a coroner training course
15 offered by the academy or which the board of coroner
16 standards has certified as meeting board standards.

17

18 **9-1-702. Created; membership; removal; compensation;**
19 **meetings; publication of procedures; standards for**
20 **certified training; powers and duties.**

21

22 (g) The commission shall establish course
23 requirements and continuing education requirements for
24 coroner training.

1

2 **14-3-207. Abuse or neglect as suspected cause of**
3 **death; coroner's investigation.**

4

5 Any person who knows or has reasonable cause to suspect
6 that a child has died as a result of child abuse or neglect
7 shall report to the appropriate coroner. The coroner shall
8 contact the state medical examiner. The coroner along with
9 the state medical examiner shall investigate the report and
10 submit ~~his~~their findings in writing to the law enforcement
11 agency, the appropriate district attorney and the local
12 child protective agency.

13

14 **16-4-203. Right of inspection; grounds for denial;**
15 **access of news media; order permitting or restricting**
16 **disclosure; exceptions.**

17

18 (d) The custodian shall deny the right of inspection
19 of the following records, unless otherwise provided by law:

20

21 (i) Medical, psychological and sociological data on
22 individual persons, exclusive of coroners' or medical
23 examiner autopsy reports;

24

1 **31-5-1108. Report forms; failure to make report;**
2 **false report.**

3

4 (a) The highway department shall prepare and upon
5 request supply to police departments, coroners, medical
6 examiners, sheriffs and other suitable agencies or
7 individuals, forms for accident reports required hereunder,
8 appropriate with respect to the persons required to make
9 the reports and the purposes to be served. The written
10 reports to be made by persons involved in accidents and by
11 investigating officers shall call for sufficiently detailed
12 information to disclose with reference to a traffic
13 accident the cause, conditions then existing and the
14 persons and vehicles involved.

15

16 **35-1-241. Safe disposal of corpses in emergency**
17 **circumstances.**

18

19 (a) The state health officer in consultation with the
20 appropriate county coroner or medical examiner, during the
21 period that a public health emergency exists, may:

22

23 **35-1-418. Death registration.**

24

1 (c) The medical certification shall be completed and
2 signed within a reasonable time after death by the
3 physician in charge of the patient's care for the illness
4 or condition which resulted in death, except when inquiry
5 is required by the postmortem examination. If the death
6 occurred without medical attendance or if the physician
7 last in attendance refuses or for any reason fails to sign
8 the certificate immediately, the funeral director or person
9 acting as funeral director shall notify the appropriate
10 local registrar. In that event the local registrar shall
11 inform the local health officer and refer the case to him
12 for immediate investigation and certification of cause of
13 death prior to issuing a permit for burial, cremation or
14 other disposition of the body. If the circumstances of the
15 case suggest that the death was caused by other than
16 natural causes, the local registrar shall refer the case to
17 the coroner for investigation and certification. The
18 coroner shall examine the body and consider the history of
19 the case, and obtain the assistance and advice of a
20 competent physician~~the state medical examiner~~ who will
21 assist the coroner in determining the cause of death. The
22 coroner will determine the manner of death by examination
23 of the body, autopsy, inquest or other procedure determined
24 necessary. The ~~nonmedical~~-coroner shall not diagnose the

1 cause of death ~~without the assistance and advice of a~~
2 ~~competent physician.~~ The coroner, state medical examiner
3 or local health officer shall complete and sign the medical
4 certification within a reasonable time after taking charge
5 of the case.

6

7 **Section 2.** W.S. 1-14-104 and 1-14-105 are repealed.

8

9

***** STAFF COMMENTS *****

10 **Need to determine funding and number of positions**
11 **needed to implement this act.**

12

13 **Section 3.** There are authorized three (3) full time
14 positions and x (x) part time positions to the attorney
15 general, for the purpose of implementing this act. x
16 dollars (\$x) is appropriated from the general fund to the
17 attorney general to implement the purposes of this act.

18

19 **Section 4.** This act is effective July 1, 2006.

20

(END)