

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 11-0759.01 Michael Dohr

HOUSE BILL 11-1258

HOUSE SPONSORSHIP

Baumgardner, Casso, Court, Lee, Liston, Miklosi, Ryden, Schafer S.

SENATE SPONSORSHIP

Newell, Foster, King S.

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING FORENSIC AUTOPSIES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

A coroner would be required to perform a forensic autopsy or have a forensic autopsy performed in the following circumstances:

- ! The death is known or suspected to have been caused by apparent criminal violence;
- ! The death of an infant or child is unexpected or unexplained;
- ! The death is associated with police action;

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

- ! The death is apparently nonnatural and occurs in the custody of a local, state, or federal institution;
- ! The death is due to an acute workplace injury;
- ! The death is caused by apparent electrocution;
- ! The death is caused by apparent intoxication by alcohol, drugs, or poison;
- ! The death is caused by unwitnessed or suspected drowning;
- ! The body is unidentified and the autopsy may aid in identification;
- ! The body is skeletonized;
- ! The body is charred;
- ! The decedent is the driver of an automobile who died as the result of an automobile accident either at the scene or before the extent of the injuries could be determined; and
- ! The coroner determines that a forensic autopsy is necessary to determine cause or manner of death or collect evidence.

A forensic autopsy required by the bill must be performed by a board-certified forensic pathologist. A forensic pathologist practicing in Colorado who has not been board-certified as of the effective date of the bill is grandfathered in to perform a forensic autopsy until July 1, 2014. A forensic pathologist who has completed a fellowship may perform a forensic autopsy for up to 4 years from the date of completion of the fellowship before completing board certification. A pathology resident or forensic pathology fellow may perform a forensic autopsy under the direct supervision of a board-certified forensic pathologist.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** 30-10-606 (2), Colorado Revised Statutes, is
3 amended to read:

4 **30-10-606. Coroner - inquiry - grounds - postmortem - jury -**
5 **certificate of death.** (2) The coroner shall ~~if he or the district attorney~~
6 ~~deems it advisable, cause a post-mortem examination of the body of the~~
7 ~~deceased to be made by a licensed physician to determine the cause of~~
8 ~~death~~ **PERFORM A FORENSIC AUTOPSY OR HAVE A FORENSIC AUTOPSY**
9 **PERFORMED AS REQUIRED BY SECTION 30-10-606.5.**

10 **SECTION 2.** Part 6 of article 10 of title 30, Colorado Revised
11 Statutes, is amended **BY THE ADDITION OF A NEW SECTION** to

1 read:

2 **30-10-606.5. When autopsy performed - qualifications to**
3 **perform - repeal.** (1) THE CORONER SHALL PERFORM A FORENSIC

4 AUTOPSY OR HAVE A FORENSIC AUTOPSY PERFORMED IN EACH OF THE
5 FOLLOWING CIRCUMSTANCES:

6 (a) THE DEATH IS KNOWN OR SUSPECTED TO HAVE BEEN CAUSED
7 BY APPARENT CRIMINAL VIOLENCE;

8 (b) THE DEATH OF AN INFANT OR CHILD IS UNEXPECTED OR
9 UNEXPLAINED;

10 (c) THE DEATH IS ASSOCIATED WITH POLICE ACTION;

11 (d) THE DEATH IS APPARENTLY NONNATURAL AND OCCURS IN THE
12 CUSTODY OF A LOCAL, STATE, OR FEDERAL INSTITUTION;

13 (e) THE DEATH IS DUE TO AN ACUTE WORKPLACE INJURY;

14 (f) THE DEATH IS CAUSED BY APPARENT ELECTROCUTION;

15 (g) THE DEATH IS CAUSED BY APPARENT INTOXICATION BY
16 ALCOHOL, DRUGS, OR POISON;

17 (h) THE DEATH IS CAUSED BY UNWITNESSED OR SUSPECTED
18 DROWNING;

19 (i) THE BODY IS UNIDENTIFIED AND THE AUTOPSY MAY AID IN
20 IDENTIFICATION;

21 (j) THE BODY IS SKELETONIZED;

22 (k) THE BODY IS CHARRED;

23 (l) THE DEATH IS THE RESULT OF AN AUTOMOBILE ACCIDENT AND
24 A HOSPITAL PHYSICIAN HAS NOT DOCUMENTED THE EXTENT OF THE
25 INJURIES; AND

26 (m) THE CORONER DETERMINES THAT A FORENSIC AUTOPSY IS
27 NECESSARY TO DETERMINE CAUSE OR MANNER OF DEATH OR TO COLLECT

1 EVIDENCE.

2 (2) (a) EXCEPT AS PROVIDED IN PARAGRAPHS (b) AND (c) OF THIS
3 SUBSECTION (2), ALL FORENSIC AUTOPSIES REQUIRED TO BE PERFORMED
4 PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL BE PERFORMED BY
5 A BOARD-CERTIFIED FORENSIC PATHOLOGIST.

6 (b) (I) A PHYSICIAN WHO HAS COMPLETED A FORENSIC PATHOLOGY
7 FELLOWSHIP AND IS PRACTICING FORENSIC PATHOLOGY IN COLORADO AND
8 WHO IS NOT A BOARD-CERTIFIED FORENSIC PATHOLOGIST AS OF THE
9 EFFECTIVE DATE OF THIS SECTION MAY PERFORM A FORENSIC AUTOPSY
10 REQUIRED PURSUANT TO SUBSECTION (1) OF THIS SECTION.

11 (II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2014.

12 (c) A FORENSIC PATHOLOGIST WHO HAS COMPLETED A FORENSIC
13 PATHOLOGY FELLOWSHIP MAY PERFORM FORENSIC AUTOPSIES FOR FOUR
14 YEARS FROM THE DATE OF COMPLETION OF THE FELLOWSHIP BEFORE
15 BECOMING A BOARD-CERTIFIED FORENSIC PATHOLOGIST.

16 (d) A PATHOLOGY RESIDENT OR FORENSIC PATHOLOGY FELLOW
17 MAY PERFORM A FORENSIC AUTOPSY REQUIRED PURSUANT TO SUBSECTION
18 (1) OF THIS SECTION UNDER THE DIRECT SUPERVISION OF A
19 BOARD-CERTIFIED FORENSIC PATHOLOGIST.

20 **SECTION 3. Safety clause.** The general assembly hereby finds,
21 determines, and declares that this act is necessary for the immediate
22 preservation of the public peace, health, and safety.