

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

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
Judiciary

SENATE
Am ended 3rd Reading
March 23, 2011

A BILL FOR AN ACT

101 **CONCERNING FORENSIC AUTOPSIES.**

SENATE
Am ended 2nd Reading
March 21, 2011

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>.)

HOUSE
3rd Reading Unam ended
February 25, 2011

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;

HOUSE
Am ended 2nd Reading
February 24, 2011

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. Legislative declaration.** (1) The general assembly

3 finds and declares that:

4 (a) It is in the interest of public safety that Colorado provide

5 standards for coroners that are based on national best practices while still

6 permitting coroners to abide by the current state statutes that govern their

7 practice; and

8 (b) Coroners should avoid all possible conflicts of interest when

9 complying with the provisions of this act.

10 **SECTION 2.** 30-10-606 (2), Colorado Revised Statutes, is

11 amended to read:

1 **30-10-606. Coroner - inquiry - grounds - postmortem - jury -**
2 **certificate of death.** (2) The coroner shall ~~if he or the district attorney~~
3 ~~deems it advisable, cause a post-mortem examination of the body of the~~
4 ~~deceased to be made by a licensed physician to determine the cause of~~
5 ~~death~~ PERFORM A FORENSIC AUTOPSY OR HAVE A FORENSIC AUTOPSY
6 PERFORMED AS REQUIRED BY SECTION 30-10-606.5 OR UPON THE REQUEST
7 OF THE DISTRICT ATTORNEY. IF THE DISTRICT ATTORNEY REQUESTS THE
8 FORENSIC AUTOPSY BUT THE CORONER DOES NOT THINK IT IS NECESSARY,
9 THE DISTRICT ATTORNEY SHALL PAY FOR THE COST OF THE FORENSIC
10 AUTOPSY.

11 **SECTION 3.** Part 6 of article 10 of title 30, Colorado Revised
12 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
13 read:

14 **30-10-606.5. When autopsy performed - jurisdiction -**
15 **qualifications to perform.** (1) (a) THE CORONER SHALL PERFORM A
16 FORENSIC AUTOPSY OR HAVE A FORENSIC AUTOPSY PERFORMED IN
17 ACCORDANCE WITH THE CIRCUMSTANCES IN THE MOST RECENT VERSION
18 OF THE "FORENSIC AUTOPSY PERFORMANCE STANDARDS" ADOPTED BY
19 THE NATIONAL ASSOCIATION OF MEDICAL EXAMINERS, WHEN THE DEATH
20 IS APPARENTLY NONNATURAL AND OCCURS IN A FACILITY OR DURING
21 SERVICES GOVERNED BY THE DEPARTMENT OF HUMAN SERVICES, AND
22 WHEN THE DEATH IS THE RESULT OF AN AUTOMOBILE ACCIDENT AND A
23 HOSPITAL PHYSICIAN HAS NOT DOCUMENTED THE EXTENT OF THE INJURIES.

24

25 (b) IF A PERSON IS INVOLVED IN AN INCIDENT ___ THAT REQUIRES
26 THE PERSON TO BE TRANSPORTED TO A MEDICAL FACILITY OUTSIDE THE
27 COUNTY WHERE THE INCIDENT OCCURRED AND THE PERSON DIES IN ROUTE

1 TO OR AT THE MEDICAL FACILITY OUTSIDE THE COUNTY WHERE THE
2 INCIDENT OCCURRED, THE CORONER FOR THE COUNTY WHERE THE
3 INCIDENT OCCURRED SHALL TAKE POSSESSION OF THE BODY AND SHALL
4 COMPLY WITH THE PROVISIONS OF THIS SECTION.

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

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

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

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

23 (e) FOR PURPOSES OF THIS SUBSECTION (2), "DIRECT SUPERVISION"
24 MEANS SUPERVISION THAT IS WITHIN THE FACILITY WHERE A PATHOLOGY
25 RESIDENT OR FORENSIC PATHOLOGY FELLOW IS PERFORMING AN AUTOPSY
26 AND THAT REQUIRES A BOARD-CERTIFIED FORENSIC PATHOLOGIST'S
27 PRESENCE AND AVAILABILITY FOR PROMPT CONSULTATION.

1 **SECTION 4. Safety clause.** The general assembly hereby finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, and safety.