

House Bill 1252

By: Representatives Scott of the 76th, Kendrick of the 93rd, Thomas of the 39th, Shannon of the 84th, Cannon of the 58th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 16 of Title 45 of the Official Code of Georgia Annotated,
2 relating to general provisions regarding coroners, so as to provide for a right of action against
3 coroners or medical examiners for negligence in certain death investigations involving
4 persons killed by a peace officer; to provide for definitions; to provide for a waiver of
5 sovereign immunity; to provide for related matters; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 1 of Chapter 16 of Title 45 of the Official Code of Georgia Annotated, relating to
10 general provisions regarding coroners, is amended by adding a new Code section to read as
11 follows:

12 "45-16-12.

13 (a) As used in this Code section, the term:

14 (1) 'Heirs' means those one or more individuals who survive the decedent and are
15 determined under the rules of inheritance pursuant to Chapter 2 of Title 53 to take
16 property of the decedent that is not disposed of by will.

17 (2) 'Peace officer' means any person who by virtue of his or her office or public
18 employment is vested by law with a duty to maintain public order or to make arrests for
19 offenses, whether that duty extends to all crimes or is limited to specific offenses.

20 (3) 'Will' means the legal declaration of an individual's testamentary intention regarding
21 that individual's property or other matters.

22 (b) Notwithstanding any other law to the contrary, the heirs of a person who has been
23 killed by a peace officer and is the subject of a death investigation under this chapter shall
24 have a right of action against any coroner or medical examiner for negligence in such death
25 investigation, including, but not limited to, in falsifying or mischaracterizing the cause of
26 death.

27 (c) To the extent necessary for any actions to proceed under this Code section, the defense
28 of sovereign immunity is waived as to any claim, counterclaim, cross-claim, or third-party
29 claim brought in any court of this state by an aggrieved person seeking legal or equitable
30 relief or any other appropriate relief, including, but not limited to, reasonable attorney's
31 fees, pursuant to this Code section."

32 **SECTION 2.**

33 All laws and parts of laws in conflict with this Act are repealed.