

Senate Bill 496

By: Senators Burke of the 11th, Watson of the 1st, Tillery of the 19th, Kirkpatrick of the 32nd, Hufstetler of the 52nd and others

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 2 of Chapter 16 of Title 45 of the Official Code of Georgia Annotated,
2 relating to death investigations, so as to require a medical examiner's inquiry when a
3 pregnant female dies and an inquest; to provide for related matters; to repeal conflicting laws;
4 and for other purposes.

5 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

6 **SECTION 1.**

7 Article 2 of Chapter 16 of Title 45 of the Official Code of Georgia Annotated, relating to
8 death investigations, is amended by revising Code Section 45-16-24, relating to notification
9 of suspicious or unusual deaths, court ordered medical examiner's inquiry, and written report
10 of inquiry, as follows:

11 "45-16-24.

12 (a) When any individual dies in any county in this state:

13 (1) As a result of violence;

14 (2) By suicide or casualty;

15 (3) Suddenly when in apparent good health;

- 16 (4) In any suspicious or unusual manner, with particular attention to those individuals
 17 16 years of age and under;
- 18 (5) After birth but before seven years of age if the death is unexpected or unexplained;
- 19 (6) As a result of an execution carried out pursuant to the imposition of the death penalty
 20 under Article 2 of Chapter 10 of Title 17;
- 21 (7) When an inmate of a state hospital or a state, county, or city penal institution;
- 22 (8) After having been admitted to a hospital in an unconscious state and without
 23 regaining consciousness within 24 hours of admission;
- 24 (9) As a result of an apparent drug overdose; or
- 25 (10) Who is a pregnant female or a female who was pregnant within 365 days prior to
 26 such female's death; provided, however, that this paragraph shall not apply to a female
 27 whose death resulted from a motor vehicle accident; or
- 28 ~~(10)~~(11) When unattended by a physician,
 29 it shall be the duty of any law enforcement officer or other person having knowledge of
 30 such death to notify immediately the coroner or county medical examiner of the county in
 31 which the acts or events resulting in the death occurred or the body is found. For ~~the~~
 32 purposes of ~~this Code section~~ paragraph (11) of this subsection, no individual shall be
 33 deemed to have died unattended by a physician when the death occurred while he or she
 34 was a patient of a hospice licensed under Article 9 of Chapter 7 of Title 31. For purposes
 35 of paragraph (11) of this subsection, an individual shall be deemed to have died unattended
 36 by a physician when any such individual has not been seen or treated by a physician within
 37 the 180 days prior to such individual's death for a condition or illness likely to have caused
 38 or contributed to such individual's death.
- 39 (b) A coroner or county medical examiner who is notified of a death pursuant to
 40 subsection (a) of this Code section under circumstances specified in paragraphs (1) through
 41 (9) of such subsection shall order a medical examiner's inquiry of that death. A coroner or
 42 medical examiner who is notified of a death pursuant to subsection (a) of this Code section

43 under circumstances specified in paragraph (10) of such subsection and whose death was
 44 not under circumstances specified in paragraphs (1) through (9) of such subsection shall
 45 order a medical examiner's inquiry for such death through a regional perinatal center, as
 46 identified by the Department of Public Health. This subsection shall not be construed to
 47 prohibit a medical examiner's inquiry of a death if a coroner or county medical examiner
 48 is notified of a death under circumstances specified in paragraph ~~(10)~~(11) of subsection (a)
 49 of this Code section.

50 (c) Whenever an affidavit is made and filed with a court having criminal jurisdiction
 51 attesting that a person came to his or her death by foul play, that court may interrogate and
 52 examine witnesses, if any exist, as to the necessity of a medical examiner's inquiry. Should
 53 the court decide that a medical examiner's inquiry is essential to the ends of justice, such
 54 inquiry shall be ordered by that court.

55 (d) A medical examiner's inquiry required under this Code section shall be reduced to
 56 writing and filed as provided in Code Section 45-16-32. At the time of such filing, a copy
 57 of the medical examiner's inquiry into a death reported to a coroner or county medical
 58 examiner pursuant to paragraph ~~(6)~~(5) of subsection (a) of this Code section shall also be
 59 transmitted to the department of family and children services of the county in which the
 60 child resided at the time of death."

61

SECTION 2.

62 Said article is further amended by revising subsection (a) of Code Section 45-16-27, relating
 63 to when inquest to be held, special situations, coroner's fee, issuance of subpoenas, cost of
 64 copying, and limited disclosure of photographs, as follows:

65 "(a) Coroners shall require an inquest to be conducted in their respective counties as
 66 follows:

67 (1) When any individual dies under any circumstances specified in paragraphs (1)
 68 through ~~(10)~~(11) of subsection (a) of Code Section 45-16-24; provided, however, that an

69 inquest shall not be required to be held, although the coroner shall be authorized to hold
70 an inquest, under the following circumstances:

71 (A) When upon the completion of the medical examiner's inquiry the peace officer in
72 charge and the medical examiner are satisfied that, even though death resulted from
73 violence, no foul play was involved. In this event, the peace officer in charge and the
74 medical examiner shall make a written report of their investigation and findings to the
75 division as set forth in Code Section 45-16-32, and upon their recommendation, the
76 coroner shall make and file a proper death certificate;

77 (B) When there is sufficient evidence to establish the cause and manner of death, even
78 though the medical examiner's inquiry revealed that death resulted from foul play;

79 (C) When no demand for an inquest is made within 30 days after the filing of the death
80 certificate. However, if such demand is made by the party or parties affected by the
81 death, the coroner shall be authorized to hold the inquest;

82 (D) When upon the completion of the medical examiner's inquiry the medical examiner
83 and peace officer in charge are sufficiently satisfied that death resulted from natural
84 causes, and that medical examiner or coroner is willing to and does sign and file a
85 proper death certificate, and no demand for an inquest is made within 30 days
86 thereafter;

87 (D.1) In cases of deaths resulting from an accident involving any civil aircraft, it shall
88 be the responsibility of the peace officer in charge to notify the National Transportation
89 Safety Board or the Federal Aviation Administration of such accident, to proceed to the
90 scene and guard the area in such manner that no bodies, wreckage, cargo, or mail shall
91 be moved or disturbed until authorized by a representative of the National
92 Transportation Safety Board or the Federal Aviation Administration except to the extent
93 necessary to remove individuals injured or trapped, to protect the wreckage from further
94 damage, or to protect the public from injury. When it is necessary to move aircraft
95 wreckage, mail, or cargo, sketches, descriptive notes, and photographs shall be made,

96 if possible, of the original positions and condition of the wreckage and any significant
97 impact marks. The coroner or medical examiner shall assist investigators from the
98 National Transportation Safety Board or the Federal Aviation Administration as
99 authorized by federal law;

100 (E) When after full and complete investigation no evidence of foul play is found in
101 cases of hidden cause of death which fall under the jurisdiction of the coroner. The
102 coroner shall be authorized to sign the death certificate on the basis of the information
103 given to him or her in the reports of the peace officer in charge and the medical
104 examiner, provided that, in such hidden causes of death, after a complete investigation,
105 if sufficient medical history is obtained by the coroner, the peace officer in charge, or
106 the medical examiner to disclose the cause of death and if the attending physician will
107 sign the death certificate, such cases shall not come under the jurisdiction of the
108 coroner; provided, further, that, if there are sufficient competent eyewitnesses to an act
109 in the opinion of the peace officer in charge, such cases shall not come under the
110 jurisdiction of the coroner; or

111 (F) In cases of deaths of personnel in the armed forces of the United States government
112 resulting from airplane disasters involving airplanes of the armed forces, including
113 crashes or explosions, which deaths shall not come under the jurisdiction of the coroner.
114 It shall be the responsibility of the peace officer in charge to notify the proper armed
115 forces of the United States government immediately of such airplane crashes or
116 explosions in order that they may send their trained forces to the scene for investigation.
117 It shall be the duty of the peace officer in charge, when notified of such crashes or
118 explosions, to proceed to the scene and guard the area in such manner that no bodies
119 or parts of said airplanes shall be moved or disturbed until the arrival of proper
120 investigating officers from the armed forces of the United States government;

121 (2) When an inmate of a state hospital or a state, county, or city penal institution dies
122 unexpectedly without an attending physician or as a result of violence. The chief medical

123 examiner or his or her designee, regional medical examiner, or local medical examiner
124 shall perform all medical examiners' inquiries. The coroner, in those counties in which
125 such office has not been replaced by a local medical examiner, shall hold an inquest after
126 receiving the written reports as set forth in Code Section 45-16-32;

127 (3) When ordered by a court in connection with a medical examiner's inquiry ordered by
128 that court pursuant to subsection (c) of Code Section 45-16-24; or

129 (4) Notwithstanding any other provisions of this subsection, no individual shall be
130 deemed to have died unattended by a physician when the death occurred while he or she
131 was a patient of a hospice licensed under Article 9 of Chapter 7 of Title 31."

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SECTION 3.

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