

Regular Session, 2014

HOUSE BILL NO. 641

BY REPRESENTATIVE HARRISON

CORONERS: Relative to the office and duties of coroner

1 AN ACT

2 To amend and reenact R.S. 13:5713(A) and 5715(A)(2), R.S. 14:30(B)(1) and 95(H), and
3 R.S. 17:2355.1, relative to coroners; to provide for duties of coroners relative to the
4 investigation of deaths and the arrangement and expenses related to the disposition
5 of bodies; to amend the definition of "peace officer" for purposes of first degree
6 murder; to provide for the possession and concealing of handguns; to provide relative
7 to the search of donor information; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 13:5713(A) and 5715(A)(2) are hereby amended and reenacted to
10 read as follows:

11 §5713. Duty to hold autopsies, investigations, etc.

12 A. The coroner shall either view the body or make an investigation into the
13 cause and manner of death in all cases involving the following:

- 14 (1) Suspicious, unexpected, or unusual deaths.
- 15 (2) Sudden or violent deaths.
- 16 (3) Deaths due to unknown or obscure causes or in any unusual manner.
- 17 (4) Bodies found dead.
- 18 (5) ~~Deaths without an attending physician within thirty-six hours prior to the~~
19 ~~hour of death.~~
- 20 (6) Deaths due to suspected suicide or homicide.
- 21 (7)(6) Deaths in which poison is suspected.

1 ~~(8)~~(7) Any death from natural causes occurring in a hospital under
2 twenty-four hours admission ~~unless seen by a physician in the last thirty-six hours.~~

3 ~~(9)~~(8) Deaths following an injury or accident either old or recent.

4 ~~(10)~~(9) Deaths due to drowning, hanging, burns, electrocution, gunshot
5 wounds, stabs or cutting, lightning, starvation, radiation, exposure, alcoholism,
6 addiction, tetanus, strangulation, suffocation, or smothering.

7 ~~(11)~~(10) Deaths due to trauma from whatever cause.

8 ~~(12)~~(11) Deaths due to criminal means or by casualty.

9 ~~(13)~~(12) Deaths in prison or while serving a sentence.

10 ~~(14)~~(13) Deaths due to virulent contagious disease that might be caused by
11 or cause a public hazard, including acquired immune deficiency syndrome.

12 * * *

13 §5715. Delivery of body; burial of paupers; anatomical gifts; kidney or eye removal;
14 limitation of liability

15 A.

16 * * *

17 (2) The coroner shall arrange for the ~~burial~~ disposition of paupers, preferably
18 by a Louisiana licensed funeral home. The ~~burial~~ disposition expenses shall not
19 exceed the actual cost of the service and shall be paid by the parish or municipality
20 in which the death occurred. However, such expenses for patients or residents of any
21 state-operated ~~health care~~ healthcare or treatment facility shall not be paid by the
22 parish or municipality in which the death occurred, but shall be paid by the state.
23 The state or any municipality or parish may establish a maximum amount which it
24 shall pay for individual ~~burial~~ disposition expenses.

25 * * *

26 Section 2. R.S. 14:30(B)(1) and 95(H) are hereby amended and reenacted to read as
27 follows:

28 §30. First degree murder

29 * * *

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 B.(1) For the purposes of Paragraph (A)(2) of this Section, the term "peace
 2 officer" means any peace officer, as defined in R.S. 40:2402, and includes any
 3 constable, marshal, deputy marshal, sheriff, deputy sheriff, local or state policeman,
 4 commissioned wildlife enforcement agent, federal law enforcement officer, jail or
 5 prison guard, parole officer, probation officer, judge, attorney general, assistant
 6 attorney general, attorney general's investigator, district attorney, assistant district
 7 attorney, ~~or~~ district attorney's investigator, coroner, deputy coroner, or coroner
 8 investigator.

9 * * *

10 §95. Illegal carrying of weapons

11 * * *

12 H. The provisions of this Section shall not prohibit active justices or judges
 13 of the supreme court, courts of appeal, district courts, parish courts, juvenile courts,
 14 family courts, city courts, federal courts domiciled in the state of Louisiana, and
 15 traffic courts, constables, coroners, designated coroner investigators, district
 16 attorneys and designated assistant district attorneys, United States attorneys and
 17 assistant United States attorneys and investigators, and justices of the peace from
 18 possessing and concealing a handgun on their person when the justice or judge,
 19 constable, coroner, designated coroner investigators, district attorneys and designated
 20 assistant district attorneys, United States attorneys and assistant United States
 21 attorneys and investigators, or justices of the peace are certified by the Council on
 22 Peace Officer Standards and Training.

23 * * *

24 Section 3. R.S. 17:2355.1 is hereby amended and reenacted to read as follows:

25 §2355.1. Search for document of anatomical gift; notification

26 A. The following persons shall make a reasonable search of a person
 27 reasonably believed to be near death for a document of gift or other information
 28 identifying the person as a donor or as a person who has refused to make such a
 29 donation:

1 (1) Any law enforcement officer, fireman, paramedic, or any other
2 emergency rescuer assisting the person.

3 (2) A coroner or his designee.

4 (3) Any hospital, as soon as practical after the arrival of the person.

5 B. Upon the death of a person, a coroner or his designee shall make a
6 reasonable search of that person for a document of gift or other information as a
7 donor or as a person who has refused to make such a donation.

8 C. If a document of gift or refusal to make an anatomical gift is located in
9 accordance with this Section, and the person or decedent to whom the document is
10 related is taken to a hospital, the document of gift or refusal shall be sent to the
11 hospital.

12 ~~C.D.~~ A person shall not be subject to criminal or civil liability for failing to
13 discharge the duties imposed by this Section but may be subject to administrative
14 sanctions.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Harrison

HB No. 641

Abstract: Provides relative to the duties and functions of coroners.

Present law requires that a coroner either view a body or make an investigation into the cause and manner of death in all cases involving certain types of death.

Proposed law removes the requirement for the coroner to view a body or make an investigation into a death without an attending physician within 36 hours prior to the hour of death. Retains the present law requirement that a coroner investigate a death from natural causes occurring in a hospital under 24-hour admission but removes the exclusion if seen by a physician in the last 36 hours.

Present law requires the coroner to arrange for the burial of paupers, and requires that burial expenses not exceed the actual cost of the service which shall be paid by the parish or municipality in which the death occurred.

Present law requires that the state pay for burial expenses for patients or residents of any state-operated healthcare or treatment facility and authorizes the state or any municipality or parish to establish a maximum amount which it shall pay for individual burial expenses.

Proposed law retains present law except that it removes requirements relative to the burial of paupers and authorizes the disposition of the body and related expenses of disposition. Changes all references from "burial" to "disposition".

Present law provides for the list of individuals to be included in the definition of "peace officer" for purposes of the crime of first degree murder.

Proposed law adds coroner, deputy coroner, or coroner investigator to the list of individuals included in the definition of a "peace officer".

Present law authorizes certain elected officials who are P.O.S.T.-certified to possess and conceal a handgun on their person.

Proposed law adds authorization for designated coroner investigators who are P.O.S.T.-certified.

Present law requires certain emergency personnel to make a reasonable search of a person reasonably believed to be near death for a document of anatomical gift or other information identifying the person as a donor or as a person who has refused to make such a donation.

Proposed law retains present law and extends the requirement to a coroner or his designee, and further requires the coroner or his designee to make such a search upon death of a person.

(Amends R.S. 13:5713(A) and 5715(A)(2), R.S. 14:30(B)(1) and 95(H), and R.S. 17:2355.1)

Summary of Amendments Adopted by House

House Floor Amendments to the engrossed bill.

1. Removed exemption in the Public Records Law for coroners from disclosing certain records or information contained in the public records.