

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 717
PROPOSED COMMITTEE SUBSTITUTE H717-PCS40555-RN-15

Short Title: Abolish Office of County Coroner.

(Public)

Sponsors:

Referred to:

April 29, 2021

1 A BILL TO BE ENTITLED
2 AN ACT ABOLISHING THE OFFICE OF COUNTY CORONER IN THIS STATE AND
3 MAKING CONFORMING CHANGES TO THE RELEVANT STATUTES.
4 The General Assembly of North Carolina enacts:

5
6 **PART I. ABOLISH OFFICE OF COUNTY CORONER**

7 **SECTION 1.** Chapter 152 of the General Statutes is repealed.
8

9 **PART II. CONFORMING STATUTES**

10 **SECTION 2.** G.S. 1-313 reads as rewritten:

11 **"§ 1-313. Form of execution.**

12 The execution must be directed to the sheriff, or to the ~~coroner~~ clerk of court when the sheriff
13 is a party to or interested in the action. ~~In those counties where the office of coroner is abolished,~~
14 ~~or is vacant, and in which process is required to be executed on the sheriff, the authority to~~
15 ~~execute such process shall be vested in the clerk of court; however, the~~ The clerk of court is
16 hereby empowered to designate and direct by appropriate order some person to act in the clerk
17 of court's stead to execute ~~the same.~~ process on the sheriff. The execution must also be subscribed
18 by the clerk of the court, and must refer to the judgment, stating the county where the judgment
19 roll or transcript is filed, the names of the parties, the amount of the judgment, if it is for money,
20 the amount actually due thereon, and the time of docketing in the county to which the execution
21 is issued, and shall require the officer substantially as follows:

22"

23 **SECTION 3.** G.S. 1A-1, Rule 45, reads as rewritten:

24 **"Rule 45. Subpoena.**

25 ...

26 (b) Service. –

27 (1) Manner. – Any subpoena may be served by the sheriff, by the sheriff's deputy,
28 ~~by a coroner,~~ or by any person who is not a party and is not less than 18 years
29 of age. Service of a subpoena upon a person named therein shall be made by
30 delivering a copy thereof to that person or by registered or certified mail,
31 return receipt requested. Service of a subpoena for the attendance of a witness
32 only may also be made by telephone communication with the person named
33 therein only by a sheriff, or the sheriff's designee who is not less than 18 years
34 of age and is not a ~~party, or a coroner-party.~~

35"

36 **SECTION 4.** G.S. 7A-312 reads as rewritten:



* H 7 1 7 - P C S 4 0 5 5 5 - R N - 1 5 *

1 **"§ 7A-312. Uniform fees for jurors; meals.**

2 (a) A juror in the General Court of Justice including a petit juror, ~~or a coroner's juror,~~ but
3 excluding a grand juror, shall receive twelve dollars (\$12.00) for the first day of service and
4 twenty dollars (\$20.00) per day afterwards, except that if any person serves as a juror for more
5 than five days in any 24-month period, the juror shall receive forty dollars (\$40.00) per day for
6 each day of service in excess of five days. A grand juror shall receive twenty dollars (\$20.00) per
7 day. A juror required to remain overnight at the site of the trial shall be furnished adequate
8 accommodations and subsistence. If required by the presiding judge to remain in a body during
9 the trial of a case, meals shall be furnished the jurors during the period of sequestration. Jurors
10 from out of the county summoned to sit on a special venire shall receive mileage at the same rate
11 as State employees. Persons summoned as jurors shall be exempt during their period of service
12 from paying a ferry toll required under G.S. 136-82 to travel to and from their homes and the site
13 of that service.

14"

15 **SECTION 5.** G.S. 14-230 reads as rewritten:

16 **"§ 14-230. Willfully failing to discharge duties.**

17 (a) If any clerk of any court of record, sheriff, magistrate, school board member, county
18 commissioner, county surveyor, ~~coroner,~~ treasurer, or official of any of the State institutions, or
19 of any county, city or town, shall willfully omit, neglect or refuse to discharge any of the duties
20 of his office, for default whereof it is not elsewhere provided that he shall be indicted, he shall
21 be guilty of a Class 1 misdemeanor. If it shall be proved that such officer, after his qualification,
22 willfully and corruptly omitted, neglected or refused to discharge any of the duties of his office,
23 or willfully and corruptly violated his oath of office according to the true intent and meaning
24 thereof, such officer shall be guilty of misbehavior in office, and shall be punished by removal
25 therefrom under the sentence of the court as a part of the punishment for the offense.

26"

27 **SECTION 6.** G.S. 14-240 reads as rewritten:

28 **"§ 14-240. District attorney to prosecute officer for escape.**

29 It shall be the duty of district attorneys, when they shall be informed or have knowledge of
30 any felon, or person otherwise charged with any crime or offense against the State, having within
31 their respective districts escaped out of the custody of any sheriff, deputy sheriff, ~~coroner,~~ or
32 jailer, to take the necessary measures to prosecute such sheriff or other officer so offending."

33 **SECTION 7.** G.S. 17-18 reads as rewritten:

34 **"§ 17-18. Attachment against sheriff to be directed to ~~coroner;~~ person designated in writ;**
35 **procedure.**

36 If a sheriff has neglected to return the writ agreeably to the command thereof, the attachment
37 against him may be directed to the ~~coroner or to any other person to be designated therein,~~ who
38 shall have power to execute the same, and such sheriff, upon being brought up, may be committed
39 to the jail of any county other than his own."

40 **SECTION 8.** G.S. 17-19 reads as rewritten:

41 **"§ 17-19. Precept to bring up party detained.**

42 The court or judge by whom any such attachment may be issued may also at the same time,
43 or afterwards, direct a precept to any ~~sheriff, coroner,~~ sheriff or other person to be designated
44 therein, commanding him to bring forthwith before such court or judge the party, wherever to be
45 found, for whose benefit the writ of habeas corpus has been granted."

46 **SECTION 9.** G.S. 17-22 reads as rewritten:

47 **"§ 17-22. Power of county to aid service.**

48 In the execution of any such attachment, precept or writ, the sheriff, ~~coroner,~~ or other person
49 to whom it may be directed, may call to his aid the power of the county, as in other cases."

50 **SECTION 10.** G.S. 17-44 reads as rewritten:

51 **"§ 17-44. Applicant to pay expenses and give bond to return.**

1 The service of the writ shall not be complete, however, unless the applicant for the same
2 tenders to the person in whose custody the prisoner may be, if such person is a ~~sheriff, coroner,~~
3 sheriff or marshal, the fees and expenses allowed by law for bringing such prisoner, nor unless
4 he also gives bond, with sufficient security, to such ~~sheriff, coroner,~~ sheriff or marshal, as the
5 case may be, conditioned that such applicant will pay the charges of carrying back such prisoner."

6 **SECTION 11.** G.S. 39-5 reads as rewritten:

7 **"§ 39-5. Official deed, when official selling or empowered to sell is not in office.**

8 When a ~~sheriff, coroner,~~ sheriff or tax collector, in virtue of his office, sells any real or
9 personal property and goes out of office before executing a proper deed therefor, he may execute
10 the same after his term of office has expired; and when he dies or removes from the State before
11 executing the deed, his successor in office shall execute it. When a sheriff or tax collector dies
12 having a tax list in his hands for collection, and his personal representative or surety, in collecting
13 the taxes, makes sale according to law, his successor in office shall execute the conveyance for
14 the property to the person entitled."

15 **SECTION 12.** G.S. 58-72-10 reads as rewritten:

16 **"§ 58-72-10. Condition and terms of official bonds.**

17 Every treasurer, sheriff, ~~coroner,~~ register of deeds, surveyor, and every other officer of the
18 several counties who is required by law to give a bond for the faithful performance of the duties
19 of his office, shall give a bond for the term of the office to which such officer is chosen."

20 **SECTION 13.** G.S. 58-76-5 reads as rewritten:

21 **"§ 58-76-5. Liability and right of action on official bonds.**

22 Every person injured by the neglect, misconduct, or misbehavior in office of any register,
23 surveyor, sheriff, ~~coroner,~~ county treasurer, or other officer, may institute a suit or suits against
24 said officer or any of them and their sureties upon their respective bonds for the due performance
25 of their duties in office in the name of the State, without any assignment thereof; and no such
26 bond shall become void upon the first recovery, or if judgment is given for the defendant, but
27 may be put in suit and prosecuted from time to time until the whole penalty is recovered; and
28 every such officer and the sureties on the officer's official bond shall be liable to the person
29 injured for all acts done by said officer by virtue or under color of that officer's office."

30 **SECTION 14.** G.S. 58-76-15 reads as rewritten:

31 **"§ 58-76-15. Summary remedy on official bond.**

32 When a sheriff, ~~coroner,~~ county or town treasurer, or other officer, collects or receives any
33 money by virtue or under color of his office, and on demand fails to pay the same to the person
34 entitled to require the payment thereof, the person thereby aggrieved may move for judgment in
35 the superior court against such officer and his sureties for any sum demanded; and the court shall
36 try the same and render judgment at the session when the motion shall be made, but 10 days'
37 notice in writing of the motion must have been previously given."

38 **SECTION 14.5.** G.S. 58-76-25 reads as rewritten:

39 **"§ 58-76-25. Evidence against principal admissible against sureties.**

40 In actions brought upon the official bonds of ~~sheriffs, coroners,~~ sheriffs or other public
41 officers, and also upon the bonds of executors, administrators, collectors or guardians, when it
42 may be necessary for the plaintiff to prove any default of the principal obligors, any receipt or
43 acknowledgment of such obligors, or any other matter or thing which by law would be admissible
44 and competent for or toward proving the same as against him, shall in like manner be admissible
45 and competent as presumptive evidence only against all or any of his sureties who may be
46 defendants with or without him in said actions."

47 **SECTION 15.** G.S. 58-76-30 reads as rewritten:

48 **"§ 58-76-30. Officer liable for negligence in collecting debt.**

49 When a claim is placed in the hands of any sheriff ~~or coroner~~ for collection, and he does not
50 use due diligence in collecting the same, he shall be liable for the full amount of the claim
51 notwithstanding the debtor may have been at all times and is then able to pay the amount thereof."

1 **SECTION 16.** G.S. 90-210.25 reads as rewritten:

2 "**§ 90-210.25. Licensing.**

3 ...

4 (e) Revocation; Suspension; Compromise; Disclosure. –

5 ...

6 No person licensed under this Article shall remove or cause to be embalmed a dead human
7 body when he or she has information indicating crime or violence of any sort in connection with
8 the cause of death, nor shall a dead human body be cremated, until permission of the State or
9 county medical examiner has first been obtained. ~~However, nothing in this Article shall be~~
10 ~~construed to alter the duties and authority now vested in the office of the coroner.~~

11 "

12 **SECTION 17.** G.S. 90-210.124 reads as rewritten:

13 "**§ 90-210.124. Authorizing agent.**

14 (a) The following person, in the priority list below, shall have the right to serve as an
15 "authorizing agent":

16 ...

17 (2) If a decedent has left no written authorization for the cremation and
18 disposition of the decedent's body as permitted under subdivision (1) of this
19 subsection, the following competent persons in the order listed may authorize
20 the type, method, place, cremation, and disposition of the decedent's body:

21 ...

22 g. In the case of indigents or any other individuals whose final disposition
23 is the responsibility of the State or any of its instrumentalities, a public
24 administrator, medical examiner, ~~coroner~~, State-appointed guardian,
25 or any other public official charged with arranging the final disposition
26 of the decedent may serve as the authorizing agent.

27 "

28 **SECTION 18.** G.S. 128-13 reads as rewritten:

29 "**§ 128-13. Officers compensated from fees in certain counties to render statement; penalty;**
30 **proceeds to school fund.**

31 Every clerk of the superior court, register of deeds, sheriff, ~~coroner~~, surveyor, or other county
32 officer, whose compensation or services performed shall be derived from fees, shall render to the
33 board of county commissioners of their respective counties, on the first Monday in December of
34 each year, a statement, verified under oath, showing: first, the total gross amount of all fees
35 collected during the preceding fiscal year; second, the total amount paid out during the preceding
36 fiscal year for clerical or office assistance. Any county officer, subject to this section, who refuses
37 or fails to file such report as above provided, on or before the first Monday in December, shall
38 be subject to a fine of twenty-five dollars (\$25.00) and ten dollars (\$10.00) additional for each
39 day or fraction of a day such failure shall continue. The board of county commissioners shall
40 assess and collect the penalty above provided for, and supply same to the general school fund of
41 the county. The first report under this section shall be for the fiscal year beginning December 12,
42 1913.

43 "

44 **SECTION 19.** G.S. 130A-389.1 reads as rewritten:

45 "**§ 130A-389.1. Photographs and video or audio recordings made pursuant to autopsy.**

46 ...

47 (c) The following persons may obtain copies of autopsy photographs or video or audio
48 recordings but may not disclose the photographs or video or audio recordings to the public unless
49 otherwise authorized by law:

50 ...

- (4) After redacting all information identifying the decedent, including name, address, and social security number, and after anonymizing any physical recognition, a medical examiner, ~~coroner~~, physician, or their designee who uses such material for:
- a. Medical or scientific teaching or training purposes;
 - b. Teaching or training of law enforcement personnel;
 - c. Teaching or training of attorneys or others with a bona fide professional need to use or understand forensic science;
 - d. Conferring with medical or scientific experts in the field of forensic science; or
 - e. Publication in a scientific or medical journal or textbook.

A medical ~~examiner, coroner, examiner~~ or physician who has in good faith complied with this subsection shall not be subject to any penalty under this section.

...."

SECTION 20. G.S. 130A-394 is repealed.

SECTION 21. G.S. 130A-420 reads as rewritten:

"§ 130A-420. Authority to dispose of body or body parts.

...

(b) If a decedent has left no written authorization for the disposal of the decedent's body as permitted under subsection (a) of this section, the following competent persons in the order listed may authorize the type, method, place, and disposition of the decedent's body:

...

- (7) In the case of indigents or any other individuals whose final disposition is the responsibility of the State or any of its instrumentalities, a public administrator, medical examiner, ~~coroner~~, State-appointed guardian, or any other public official charged with arranging the final disposition of the decedent.

...."

SECTION 22. G.S. 153A-149 reads as rewritten:

"§ 153A-149. Property taxes; authorized purposes; rate limitation.

...

(c) Each county may levy property taxes for one or more of the purposes listed in this subsection up to a combined rate of one dollar and fifty cents (\$1.50) on the one hundred dollars (\$100.00) appraised value of property subject to taxation. Authorized purposes subject to the rate limitation are:

...

- ~~(21) Medical Examiner.— To provide for the county medical examiner or coroner.~~

...."

SECTION 23. G.S. 153A-225 reads as rewritten:

"§ 153A-225. Medical care of prisoners.

...

(b) If a prisoner in the custody of a local confinement facility dies, the medical examiner ~~and the coroner~~ shall be notified immediately, regardless of the physical location of the prisoner at the time of death. Within five days after the day of the death, the administrator of the facility shall make a written report to the local or district health director and to the Secretary of Health and Human Services. The report shall be made on forms developed and distributed by the Department of Health and Human Services.

...."

SECTION 24. G.S. 162-5 reads as rewritten:

"§ 162-5. Vacancy filled; duties performed by ~~coroner or chief deputy.~~

1 If any vacancy occurs in the office of sheriff, the ~~coroner of the county~~ chief deputy sheriff,
2 or if there is no chief deputy, then the senior deputy in years of service, shall execute all process
3 directed to the sheriff until the first meeting of the county commissioners next succeeding such
4 vacancy, when the board shall elect a sheriff to supply the vacancy for the residue of the term,
5 who shall possess the same qualifications, enter into the same bond, and be subject to removal,
6 as the sheriff regularly elected. If the board should fail to fill such vacancy, the ~~coroner~~ chief
7 deputy sheriff, or if there is no chief deputy, then the senior deputy in years of service, shall
8 continue to discharge the duties of sheriff until it shall be filled.

9 ~~In those counties where the office of coroner has been abolished, the chief deputy sheriff, or~~
10 ~~if there is no chief deputy, then the senior deputy in years of service, shall perform all the duties~~
11 ~~of the sheriff until the county commissioners appoint some person to fill the unexpired term. In~~
12 ~~all counties the~~ The regular deputy sheriffs shall, during the interim of the vacancy, continue to
13 perform their duties with full authority."

14 **SECTION 25.** G.S. 162-5.1 reads as rewritten:

15 **"§ 162-5.1. Vacancy filled in certain counties; duties performed by ~~coroner or~~ chief deputy.**

16 If any vacancy occurs in the office of sheriff, the ~~coroner of the county~~ chief deputy sheriff,
17 or if there is no chief deputy, then the senior deputy in years of service, shall execute all process
18 directed to the sheriff until the board shall elect a sheriff to supply the vacancy for the residue of
19 the term, who shall possess the same qualifications, enter into the same bond, and be subject to
20 removal, as the sheriff regularly elected. If the sheriff were elected as a nominee of a political
21 party, the board of commissioners shall consult the county executive committee of that political
22 party before filling the vacancy, and shall elect the person recommended by the county executive
23 committee of that party, if the party makes a recommendation within 30 days of the occurrence
24 of the vacancy. If the board should fail to fill such vacancy, the ~~coroner~~ chief deputy sheriff, or
25 if there is no chief deputy, then the senior deputy in years of service, shall continue to discharge
26 the duties of sheriff until it shall be filled.

27 ~~In those counties where the office of coroner has been abolished, the chief deputy sheriff, or~~
28 ~~if there is no chief deputy, then the senior deputy in years of service, shall perform all the duties~~
29 ~~of the sheriff until the county commissioners appoint some person to fill the unexpired term. In~~
30 ~~all counties the~~ The regular deputy sheriffs shall, during the interim of the vacancy, continue to
31 perform their duties with full authority.

32 This section shall apply only in the following counties: Alamance, Alleghany, Avery,
33 Beaufort, Brunswick, Buncombe, Cabarrus, Caldwell, Carteret, Cherokee, Clay, Davidson,
34 Davie, Edgecombe, Forsyth, Gaston, Graham, Guilford, Haywood, Henderson, Hyde, Jackson,
35 Lee, Lincoln, Madison, McDowell, Mecklenburg, Moore, New Hanover, Onslow, Pender, Polk,
36 Randolph, Richmond, Rockingham, Rutherford, Sampson, Stokes, Surry, Transylvania, Wake,
37 Washington, Wayne, and Yancey."

38 **SECTION 26.** G.S. 162-13 reads as rewritten:

39 **"§ 162-13. To receipt for process.**

40 Every sheriff ~~or coroner~~ shall, when requested, give his receipt for all original and mesne
41 process placed in his hands for execution, to the party suing out the same, his agent or attorney;
42 and such receipt shall be admissible as evidence of the facts therein stated, against such officer
43 and his sureties, in any suit between the party taking the receipt and such officer and his sureties."

44 **SECTION 27.** G.S. 162-16 reads as rewritten:

45 **"§ 162-16. Execute summons, order or judgment.**

46 Whenever the sheriff may be required to serve or execute any summons, order or judgment,
47 or to do any other act, he shall be bound to do so in like manner as upon process issued to him,
48 and shall be equally liable in all respects for neglect of duty; and if the sheriff be a party, the
49 ~~coroner~~ clerk of court shall be bound to perform the service, as he is now bound to execute
50 process where the sheriff is a party; and this Chapter relating to sheriffs shall apply to ~~coroners~~

1 ~~clerks of court~~ when the sheriff is a party. Sheriffs and ~~coroners~~ clerks of court may return process
2 by mail. Their liabilities in respect to the execution of process shall be as prescribed by law.

3 ~~In those counties where the office of coroner has been abolished, or is vacant, and in which~~
4 ~~process is required to be served or executed on the sheriff, the authority to serve or execute such~~
5 ~~process shall be vested in the clerk of court; however, the~~ The clerk of court is hereby empowered
6 to designate and direct by appropriate order some person to act in his stead to serve or execute
7 ~~the same process on the sheriff.~~"

8 **SECTION 28.** G.S. 163-1 reads as rewritten:

9 "**§ 163-1. Time of regular elections and primaries.**

10 ...

11 Coroner	County	At the regular election	Four years, from the
		for members of the General	first Monday in
		Assembly immediately	December next after
		preceding the termination	election
		of a regular term	

15"

17
18 **PART III. EFFECT WHERE OFFICE OF CORONER HAS NOT BEEN ABOLISHED**

19 **SECTION 29.** In those counties where the office of coroner has not been abolished,
20 the coroner shall serve until the expiration of his or her term and, during that time, the provisions
21 of Chapter 152 of the General Statutes, the conforming statutes listed in Part II of this act, and
22 any local acts related to the coroner and applicable to those counties shall remain in full force
23 and effect in those counties. Upon the expiration of each coroner's term, the office of coroner in
24 that county shall be abolished, and the provisions of Chapter 152 of the General Statutes, the
25 conforming statutes listed in Part II of this act, and any local acts related to the coroner and
26 applicable to that county shall be repealed.

27
28 **PART IV. EFFECTIVE DATE**

29 **SECTION 30.** This act is effective when it becomes law.