

SENATE BILL 1585

By Overbey

AN ACT to amend Tennessee Code Annotated, Title 38,
relative to the disinterment of human remains.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 38-7-107(a), is amended by deleting the existing language in its entirety and substituting instead the following:

(a)

(1) When a person's death occurs under any of the circumstances set out in this part, any of the following persons may request the district attorney general in the district where the body is buried or interred to petition the appropriate circuit or criminal court judge in the district where a body is buried or interred to order a body disinterred:

(A) A state or county medical examiner;

(B) The district attorney general of the district in which it is claimed the death occurred;

(C) The district attorney general of the district in which an act causing the death occurred; or

(D) The district attorney general of the district in which the body is buried or interred, in the general's own discretion.

(2) The grounds for disinterment under this subsection are:

(A) The person's death occurred under one (1) of the circumstances set out in this part;

(B) The person was buried or interred before an autopsy could be performed; or

(C) The disinterment will substantially assist in the collection of evidence for a pending criminal investigation, regardless of whether an autopsy was previously performed, or DNA, scientific, or forensic evidence was collected.

(3) The petition shall specify whether the district attorney general is requesting disinterment for the performance of an autopsy, to collect scientific or forensic evidence, to collect a DNA specimen from the deceased, or any combination of the three (3).

(4) The petition shall set forth the district attorney general's belief that the death in question is subject to post-mortem examination or autopsy as provided by this part and the reasons that support the district attorney general's belief as to the circumstances of the death. When known or reasonably ascertainable, a copy of the petition shall be served upon the next of kin of the deceased.

(5) The petition may be presented during a term of court or in vacation and in:

(A) The county in which it is claimed that the death occurred;

(B) The county in which the act causing the death occurred; or

(C) Any other county of a judicial district in which circumstances leading to the death were likely to have occurred.

(6) The judge hearing a petition under this subsection shall have the power and authority to rule upon the petition in any county in which the judge has jurisdiction.

SECTION 2. This act shall take effect July 1, 2016, the public welfare requiring it.