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ALABAMA LAW

(Regular Session, 1987)

Act No. 87-525

H. 926—Rep. Zoghby

AN ACT

Providing for a medical examiner system for the investigation of certain types of deaths in Mobile County, Alabama; abolishing the office of county coroner; prescribing the manner of appointment, qualifications, powers and duties of the county medical examiner; prescribing procedures and requirements relating to postmortem examinations and autopsies of deaths occurring under certain circumstances in the county; requiring that certain deaths shall be reported to either the county medical examiner or a law enforcement agency in said county; providing protection from civil and criminal liability for such medical examiners properly performing their duties; transferring funds and equipment to the medical examiner system; requiring annual reports on such system to be submitted to the county governing body; imposing criminal penalties for certain violations of this act; and specifically repealing: Act No. 871, H. 1115 Regular Session 1951; Act No. 462, H. 862 Regular Session 1951; Act No. 563, S. 427 Regular Session 1943; Act No. 35, H. 198 and Act No. 36, H. 199 Special Session 1933; and Act No. 153, Regular Session 1866, all relating to the coroner or the operation of the coroner's office in Mobile County.

Be It Enacted by the Legislature of Alabama:

Section 1. In Mobile County, Alabama, the office of coroner is hereby abolished and all powers, rights and duties now or hereafter authorized or required by law to be performed by such coroner shall be exercised and performed by the county medical examiner as hereinafter provided for in this act.

Section 2. The state medical examiner assigned to the Department of Forensic Sciences, Region IV office in Mobile, Alabama, shall also serve as the county medical examiner for Mobile County. Other state medical examiners may be assigned as deputy county medical examiners.

Section 3. The county medical examiner shall be a physician licensed to practice medicine in Alabama and trained in anatomic and forensic pathology. Any vacancy in the county shall be filled by appointment of the Director of the Department of Forensic Sciences, who may waive the requirement temporarily to appoint a physician licensed to practice medicine and trained in anatomic pathology when a vacancy exists which he is seeking to fill.

Section 4. It shall be the duty of the county medical examiner to investigate any death in Mobile County when the death may fall within one or more of the following categories:

(a) Any death that occurs suddenly and unexpectedly, that is, when the person has not been under medical care for significant heart, lung, or other disease;

(b) Any death suspected to be due to violence, resulting, that is, from suicidal, accidental, homicidal, or undetermined injury, regardless of when or where the injury occurred;

(c) Any death suspected to be due to alcohol or drugs or exposure to toxic agents;

(d) Deaths due to poisoning;

(e) All deaths of persons in the custody of law enforcement officers or in penal institutions;

(f) Deaths suspected to be involved with the decedent's occupation;

(g) Deaths unattended by a physician;

(h) Any death due to neglect;

(i) Any stillbirth of 20 or more weeks' gestation unattended by a physician;

(j) Deaths due to criminal abortion;

(k) Any death of an infant or child under 19 years of age where the medical history has not established some preexisting medical condition to clearly explain the death and the preterminal circumstances;

(l) Deaths which are possibly directly or indirectly attributable to environmental exposure not otherwise specified;

(m) Any death suspected to be due to infectious or contagious disease wherein the diagnosis and extent of disease at the time are undetermined;

(n) Any death occurring under suspicious or unusual circumstances;

(o) When a body is to be cremated, dissected or buried at sea;
or

(p) When a body is brought into Mobile County without proper medical certification.

Section 5. While investigating a death hereunder, the county medical examiner of Mobile County shall be authorized to take charge

of the dead body, and he or a law enforcement officer having jurisdiction, or the medical examiner's legal designee, may take possession and examine or have examined related physical evidence on or about the body at the scene as may be useful in establishing identity of the deceased and/or the cause, manner, and circumstances of death. The county medical examiner shall examine the body and take, retain and examine or have examined whatever tissues, biological fluids or other evidence from the body he deems necessary to determine the cause, manner and circumstances of death and the identity of the deceased.

Section 6. If after investigating a death, the county medical examiner or his designated assistant, who shall be a physician licensed to practice medicine in Alabama, is satisfied that the death was not caused by criminal act or omission and that there are no suspicious circumstances about the death, then the county medical examiner, or his designated assistant, may execute a death certificate in the form required by law and authorize release of the body for final disposition on a certificate as prescribed by the state health department. If the deceased is unidentified, or if the county medical examiner suspects a death was caused by a criminal act or omission, or if the cause of death is obscure, he or a qualified pathologist, licensed to practice medicine in Alabama and under his direction, shall further examine the body and take, retain and examine or have examined whatever tissues, biological fluids or other evidence from the body which he deems necessary to determine the cause, manner or circumstances of death and the identity of the deceased. The county medical examiner or a qualified pathologist under his direction, shall then execute a death certificate in the form required by law and authorize release of the body for final disposition on a certificate as prescribed by the state health department.

Section 7. (a) An autopsy or postmortem examination may be performed by a county medical examiner, at the written direction of the district attorney or his authorized representative, in any case in which the district attorney is conducting a criminal investigation.

(b) An autopsy or postmortem examination may be performed by a county medical examiner, or his designated pathologist, when he suspects the death was caused by a criminal act or omission, or the cause of death is obscure or in his opinion, an autopsy is advisable and in the public interest.

(c) In a death where the county medical examiner does not deem it advisable and in the public interest that an autopsy be performed, but the next of kin of the deceased requests that an autopsy be performed, the state medical examiner, or a designated pathologist, may perform the autopsy and the cost therefor shall be paid by the next of kin.

Section 8. The county medical examiner of Mobile County or any law enforcement officer having jurisdiction and with the approval of the county medical examiner shall take possession of personal effects on or about the dead body and notify the next of kin in regard to the death. Such personal effects may: (a) be retained as evidence if deemed necessary; or (b) forthwith be returned to the next of kin.

Section 9. It shall be the duty of any person in the county having knowledge concerning a death occurring under the categories defined in section 4 to report such death promptly to the county medical examiner of Mobile County or to any law enforcement agency who, in turn, shall promptly report the same to the county medical examiner of Mobile County. Deaths reportable to the county medical examiner must be reported whether the cause is known or suspected, primary or contributory, or recent, delayed, or remote. No one shall disturb or remove the body or human remains until authorized by the county medical examiner except for the purpose of preserving such body or remains from loss or destruction. Any person who knowingly fails to make such report or withholds related medical other evidence, or willfully alters the body or related evidence without authority of the county medical examiner and outside the exceptions stated, shall be guilty of a Class B misdemeanor and upon conviction thereof shall be fined or sentenced, or both, according to law.

Section 10. While investigating a death hereunder, the county medical examiner or the director of the Alabama Department of Forensic Sciences is authorized to issue subpoenas for the production of medical documents, radiographs, tissues or fluids as may be required by the investigation.

Section 11. Neither the county medical examiner nor any member of his staff, nor the Director of the Alabama Department of Forensic Sciences nor any member of the department's staff or agents, shall incur any civil or criminal liability for the proper performance of their duties under this act.

Section 12. The reports of death investigations conducted by the county medical examiner or by the Alabama Department of Forensic Sciences, or true copies thereof duly certified by the county medical examiner or the director of the department, are admissible in evidence in any court in Mobile County, with or without testimony by the county medical examiner or Department of Forensic Sciences officials. Provided, however, any person preparing a report given in evidence under this act may be summoned as a witness in any civil or criminal case by either party to the cause.

Section 13. In addition to the duties and authority described above, the county medical examiner of Mobile County shall also ha

all duties and authority now or hereafter vested in coroners by the law of Alabama.

Section 14. The state medical examiner shall serve as county medical examiner for Mobile County with no personal compensation from Mobile County.

Section 15. Upon the effective date of this act, title and control of all equipment in the Mobile County coroner's office shall be transferred by Mobile County to the Alabama Department of Forensic Sciences. The Alabama Department of Forensic Sciences shall receive also, on an annual basis, all funds appropriated by the county commission for the coroner's office. Such appropriation shall be the amount agreed to between the county governing body and the Alabama Department of Forensic Sciences each year, but shall not be less than the amount appropriated to the coroner's office in the county's 1986-87 fiscal year budget. The Alabama Department of Forensic Sciences shall utilize all such funds to support death investigation in Mobile County.

Section 16. This act makes no changes in the funding of, responsibility for or existing methods of transporting bodies in Mobile County. The Department of Forensic Sciences is assigned no additional responsibilities for transportation of bodies under this act.

Section 17. The county medical examiner shall make an annual report to the county governing body listing the number of deaths investigated, the determinations made and other reasonable facts as required by the governing body.

Section 18. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 19. All laws or parts of laws which conflict with this act are hereby repealed.

Section 20. Act No. 153, Regular Session 1866, (Acts 1866, p. 141); Act Nos. 35 and 36, Special Session 1933, (Acts 1933, p. 18); Act No. 563, S. 427, Regular Session 1943 (Acts 1943, p. 561); Act No. 462, H. 862, Regular Session 1951 and Act No. 871, H. 1115, Regular Session 1951 (Acts 1951, pp. 822 and 1504) are hereby specifically repealed.

Section 20. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved July 22, 1987

Time: 9:27 A.M.

I hereby certify that the foregoing copy of an Act of the Legislature of Alabama has been compared with the enrolled Act and it is a true and correct copy thereof.

Given under my hand this 23rd day of July, 1987.

JOHN W. PEMBERTON
Clerk of the House