

CHAPTER 1280

CRIMINALISTICS LABORATORY

S. F. 585

AN ACT relating to a state criminalistics laboratory, a state medical examiner, county medical examiners, and the investigation of unnatural deaths.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. There is hereby created under the control, direction
2 and supervision of the commissioner of public safety a state criminalis-
3 tics laboratory. The commissioner of public safety may assign the
4 criminalistics laboratory to a division or bureau within his depart-
5 ment. The laboratory shall, within its capabilities, conduct analyses,
6 comparative studies, fingerprint identification, firearms identification,
7 questioned documents studies, and other studies normally performed
8 by a criminalistics laboratory when requested by a county attorney,
9 medical examiner, or law enforcement agency of this state to aid in
10 any criminal investigation. Agents of the division of criminal investi-
11 gation and bureau of identification may be assigned to the criminalis-
12 tics laboratory by the commissioner. New employees shall be appointed
13 pursuant to chapter ninety-five (95), Acts of the Sixty-second General
14 Assembly, and need not qualify as agents for the division of criminal
15 investigation and bureau of identification, and shall not participate in
16 the peace officers' retirement plan established pursuant to chapter
17 ninety-seven A (97A) of the Code.

1 SEC. 2. It shall be presumed that any employee or technician of
2 the criminalistics laboratory is qualified or possesses the required
3 expertise to accomplish any analysis, comparison, or identification
4 done by him in the course of his employment in the criminalistics
5 laboratory. Any report, or copy thereof, or the findings of the
6 criminalistics laboratory shall be received in evidence in any court,
7 preliminary hearing, and grand jury proceeding in the same manner
8 and with the same force and effect as if the employee or technician
9 of the criminalistics laboratory who accomplished the requested analy-
10 sis, comparison, or identification had testified in person. An accused
11 person or his attorney may request that such employee or technician
12 testify in person at a criminal trial on behalf of the state before a
13 jury or to the court, by notifying the proper county attorney at least
14 ten days before the date of such criminal trial.

1 SEC. 3. The commissioner of public safety shall make rules de-
2 fining the capabilities of the criminalistics laboratory. He shall
3 make rules governing the handling of items to be processed by the
4 criminalistics laboratory from the time they are forwarded to the
5 laboratory by a county medical examiner or a city, town, or state law
6 enforcement agency or county sheriff until their return to the for-
7 warder. The rules shall prescribe a method of identifying, forwarding,
8 handling and returning items that will maintain the identity and
9 integrity of the item. An item handled in conformity with the rules
10 shall be presumed to be admissible in evidence as to the period in
11 transit to and from and while in custody of the laboratory without
12 further foundation.

1 SEC. 4. The county attorney shall give the accused person, or his
2 attorney, after an indictment or county attorney's information has
3 been returned, a copy of each report of the findings of the criminalis-
4 tics laboratory conducted in the investigation of the indictable criminal
5 charge against him at the time of arraignment, or if such report is
6 received after arraignment, upon receipt, whether or not such findings
7 are to be used in evidence against him. If such report is not given to
8 the accused or his attorney at least four days prior to trial, such fact
9 shall be grounds for a continuance.

1 SEC. 5. There is hereby created the position of state medical ex-
2 aminer. The state medical examiner shall be a physician and surgeon
3 or osteopathic physician and surgeon and be licensed to practice
4 medicine in the state of Iowa, and possess special knowledge in
5 forensic pathology. The state medical examiner shall be appointed
6 by and serve at the pleasure of the governor. The state medical
7 examiner may be a faculty member of the college of medicine or the
8 college of law at the university of Iowa, and any of his assistants or
9 staff may be members of the faculty or staff of the college of medicine
10 or the college of law at the university of Iowa.

1 SEC. 6. The duties of the state medical examiner shall be:

2 1. To provide assistance, consultation, and training to county medi-
3 cal examiners and law-enforcement officials.

4 2. To keep complete records of all relevant information concern-
5 ing deaths or crimes requiring investigation by the state medical
6 examiner.

7 3. To promulgate rules and regulations pursuant to chapter seven-
8 teen A (17A) of the Code regarding the manner and techniques to be
9 employed while conducting autopsies; the nature, character, and
10 extent of investigations to be made in cases of homicide or suspected
11 homicide necessary to allow a medical examiner to render a full and
12 complete analysis and report; the format and matters to be contained
13 in all reports rendered by medical examiners; and all other things
14 necessary to carry out this Act. All county medical examiners and
15 peace officers shall be subject to such rules and regulations.

1 SEC. 7. The board of supervisors of each county shall appoint a
2 county medical examiner who shall take office on January 2, 1971,
3 and each two years thereafter, and serve for a term of two years
4 and until his successor has been appointed and qualifies. County
5 medical examiners holding office upon the effective date of this Act
6 shall continue in office until their successors are appointed and quali-
7 fied. Vacancies for any unexpired term shall be filled by the board
8 of supervisors.

1 SEC. 8. Each county medical examiner shall be licensed in Iowa
2 as a doctor of medicine and surgery, as a doctor of osteopathic
3 medicine and surgery, or as an osteopathic physician. He shall be
4 appointed by the board of supervisors from lists of two or more
5 names submitted by the medical society and the osteopathic society
6 of the county in which he is a resident. If names are not submitted
7 by either society, the board of supervisors may appoint any licensed
8 physician, osteopathic physician and surgeon, or osteopathic physician

9 of the county. If such qualified physician of the county will not
10 serve, the board of supervisors may appoint a physician from another
11 county. If a county medical examiner is unable to serve in any
12 particular case or for any period of time, he shall promptly notify
13 the chairman of the board of supervisors who shall then designate
14 some other qualified physician to serve in his place.

1 SEC. 9. The board of supervisors of each county may provide
2 such laboratory facilities, deputy medical examiners, and other pro-
3 fessional, technical, and clerical assistance as may be required by
4 the county medical examiner in the performance of the duties imposed
5 by this Act. However, such requirements shall be subject to prior
6 approval by the state medical examiner.

1 SEC. 10. The death of any person shall be reported to the county
2 medical examiner or state medical examiner by the physician in
3 attendance, by any law-enforcement officer having knowledge of
4 such death, by the embalmer, or by any other person present, if the
5 deceased shall have died in the manner specified in section twelve
6 (12) of this Act. The appropriate medical examiner shall notify the
7 city, town, or state law enforcement agency or county sheriff and
8 take charge of the body. The county medical examiner shall also
9 make inquiries regarding the cause and manner of death, reduce his
10 findings to writing, promptly make a full report thereof to the state
11 medical examiner on forms prescribed for such purpose, and deliver
12 a copy of said report to the county attorney of his county. For each
13 such preliminary investigation, including the making of the required
14 reports, the county medical examiner shall receive a fee as set by
15 the board of supervisors, plus his actual expenses, to be paid by the
16 county for which the service was performed.

1 SEC. 11. Every person who knows of the existence of a body
2 where death occurred in the manner specified in section twelve (12)
3 of this Act, shall notify the county or state medical examiner or the
4 city, town, or state law enforcement agency or county sheriff thereof
5 as soon as possible, unless such person shall have good reason to
6 believe that such notice has already been given. Any person who
7 shall fail to give such notice to a medical examiner shall be guilty
8 of a public offense, and upon conviction thereof shall be punished by
9 a fine of not more than five hundred dollars or a sentence in the
10 county jail of not more than six months, or by both such fine and
11 imprisonment.

1 SEC. 12. The state medical examiner shall investigate or cause
2 the county medical examiner to investigate human deaths where
3 determination of the cause of death is in the public interest. Deaths
4 affected with the public interest shall include, but not necessarily
5 be limited to, all deaths known or suspected to be of the following
6 types:
7 1. Violent deaths, including homicidal, suicidal, or accidental
8 deaths.
9 2. Deaths caused by thermal, chemical, electrical, or radiation in-
10 jury.
11 3. Deaths caused by criminal abortion including those self-induced,

12 or by rape, carnal knowledge, or crimes against nature.

13 4. Deaths related to disease thought to be virulent or contagious,
14 which might constitute a public hazard.

15 5. Deaths that have occurred unexpectedly, or from unexplained
16 causes.

17 6. Deaths of persons confined in any prison, jail, or correctional
18 institution.

19 7. Deaths of persons where a physician was not in attendance at
20 anytime at least thirty-six hours preceding death, with the excep-
21 tion of prediagnosed terminal or bedfast cases for which the time
22 period shall be extended to twenty days.

23 8. Deaths of persons where the bodies are not claimed by relatives
24 or friends.

25 9. Deaths of all persons wherein the identity of the deceased is
26 unknown.

1 SEC. 13. The county medical examiner shall investigate each
2 death occurring in the manner specified in section twelve (12) of
3 this Act, and report each case to the state medical examiner. The
4 county medical examiner shall conduct such investigation as may be
5 required by the state medical examiner and shall determine whether
6 or not the public interest requires an autopsy or other special investi-
7 gation. In his determination of the need for an autopsy, the county
8 medical examiner may consider the request for an autopsy made by
9 private persons or public officials, except that the state medical
10 examiner or the county attorney of the county where the death
11 occurred may require an autopsy.

1 SEC. 14. A complete record of the findings of a person making an
2 autopsy shall be promptly made and filed in the office of the state
3 medical examiner and the county attorney for the county where
4 death occurred and the county attorney of the county wherein any
5 injury contributing to or causing death was sustained.

1 SEC. 15. When any death occurs in the manner specified in sec-
2 tion twelve (12) of this Act, the body shall not be disturbed or re-
3 moved from the position in which it is found by any person without
4 authorization from the county medical examiner or the state medical
5 examiner, except for the purpose of preserving such body from loss
6 or destruction, or permitting the passage of traffic on a highway,
7 railroad, or airport, or if the failure to immediately remove such
8 body might endanger life, safety, or health. It shall be unlawful
9 for any person to move, disturb, or conceal a body in violation of
10 this Act.

1 SEC. 16. Reports of investigations made by the state medical ex-
2 aminer or his designee or by a county medical examiner or his des-
3 ignee, and the records and reports of autopsies made as provided in
4 this Act, shall be received as evidence in any court or other proceed-
5 ings, except that statements by witnesses or other persons and con-
6 clusions on extraneous matters included within the report are not
7 hereby made admissible. The persons preparing a report or record
8 given in evidence hereunder may be subpoenaed as a witness in any
9 civil or criminal case by any party to the cause. Copies of records,
10 photographs, laboratory findings, and records in the office of the

11 state medical examiner or any medical examiner, when duly attested
12 to by the state medical examiner or one of his staff, or the medical
13 examiner in whose office the same are, shall be received as evidence
14 in any court or other proceedings for any purpose for which the
15 original could be received without proof of the official character of
16 the person whose name is signed thereto.

1 SEC. 17. If there is no person entitled by law to any property or
2 money found on a deceased person, it shall be deposited with the
3 clerk of the district court to be held until disposed of according to
4 law.

1 SEC. 18. After an investigation has been completed, including an
2 autopsy if one is made, the body shall be delivered to the relatives or
3 friends of the deceased person for burial. No medical examiner shall
4 use influence in favor of any particular funeral director. If no person
5 claims a body, it shall be disposed of as provided in chapter one
6 hundred forty-two (142) of the Code.

1 SEC. 19. It shall be unlawful to embalm a body when the em-
2 balmer has any reason to believe death occurred in a manner specified
3 in section twelve (12) of this Act, or when there is evidence sufficient
4 to arouse suspicion of crime in connection with the cause of death of
5 the deceased, or where it is the duty of a medical examiner to view
6 the body and investigate the death of the deceased person, until the
7 permission of a county medical examiner has been obtained. When-
8 ever feasible, the body shall be released to the funeral director for
9 embalming within twenty-four hours of death.

10 It shall be unlawful to cremate, bury, or send out of the state the
11 body of a deceased person when death occurred in a manner specified
12 in section twelve (12) of this Act, until a medical examiner shall
13 certify in writing that he has viewed the body and has made personal
14 inquiry into the cause and manner of death and that all necessary
15 autopsy or postmortem examinations have been completed.

16 A fee as set by the board of supervisors shall be paid the county
17 medical examiner for an examination certificate by the person making
18 application therefor, and a copy of such certificate shall be promptly
19 filed by the medical examiner in his office. The certificate of the
20 county medical examiner shall not be required in cases of stillborn
21 infants if a physician was present at the stillbirth and the cause of
22 stillbirth, as certified by the physician according to the provisions
23 of chapters one hundred forty-one (141) and one hundred forty-
24 four (144) of the Code, is not such as to require an investigation by
25 a medical examiner.

26 Any person violating any of the provisions of this section shall be
27 deemed guilty of a misdemeanor and, upon conviction thereof, shall
28 be fined not more than one thousand dollars or imprisoned in the
29 county jail not more than one year, or by both such fine and imprison-
30 ment.

1 SEC. 20. In any case of sudden, violent, or suspicious death after
2 which the body is buried without any investigation or autopsy, the
3 county medical examiner shall, upon being advised of such facts,
4 notify the county attorney. The county attorney shall thereupon

5 apply for a court order requiring the body to be exhumed, in accord-
 6 ance with chapter one hundred forty-one (141) of the Code. Upon
 7 receipt of the court order, an autopsy shall be performed by a medical
 8 examiner or by a pathologist designated by him and the facts dis-
 9 closed by such autopsy communicated to the court ordering the disin-
 10 terment for such action as may be proper.

1 SEC. 21. The commissioner of public safety may accept federal or
 2 private funds or grants to aid in the establishment or operation of
 3 the state criminalistics laboratory, and the board of regents may
 4 accept federal or private funds or grants to aid in the establishment
 5 of the position of state medical examiner.

1 SEC. 22. The governor shall by executive order provide for the
 2 transfer of any appropriate laboratory facilities, equipment, and
 3 technical personnel of the state to the state criminalistics laboratory
 4 if such transfer will more effectively and efficiently aid the investiga-
 5 tion of crime.

1 SEC. 23. Chapter three hundred thirty-nine (339), Code 1966, is
 2 hereby repealed.

Approved April 8, 1970.

CHAPTER 1281

FORGERY VENUE

S. F. 1076

AN ACT relating to venue in forgery cases.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section seven hundred fifty-three point seven (753.7),
 2 Code 1966, is amended by adding thereto the following new subsection:
 3 "Forgery, as defined in chapter seven hundred eighteen (718) of
 4 the Code, and any other making, altering, forging, or counterfeiting,
 5 with intent to defraud, of any instrument in violation of law shall be
 6 in either the county where such instrument is uttered and published,
 7 or the county where such making, altering, forging, or counterfeiting
 8 actually occurred."

Approved April 10, 1970.