

February 22, 1955.
Passed on File.

Senate File 315
By BUTLER.

Passed Senate, Date.....
Vote: Ayes..... Nays.....
Passed House, Date.....
Vote: Ayes..... Nays.....
Approved

A BILL FOR

An Act to repeal chapter three hundred thirty-nine (339), Code 1954, relating to coroners, and to amend the necessary sections of the Code on coroners' duties, and to enact in lieu thereof a substitute creating a board on post-mortem examinations and to prescribe the board's duties, powers and functions; to provide for the appointment of a chief medical referee, his qualifications, powers, duties and functions and a central office and laboratory; to provide for the appointment of county medical referees, their qualifications, powers, duties and functions; and to make an appropriation from the general fund.

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

1 Chapter three hundred thirty-nine (339), Code 1954, is hereby
2 repealed, and sections one (1) to twenty-two (22) inclusive,
3 hereof enacted in lieu thereof:

1 Section 1. There is hereby created in the department of
2 public safety a board on post-mortem examinations, consisting
3 of the following ex officio members: The commissioner of public
4 health. The commissioner of public safety. The attorney general.

5 The board shall elect from its members a chairman and a
6 secretary to serve at the pleasure of the board. Regular
7 meetings shall be held at such times as may be determined by
8 the board and special meetings may be called at any time by

9 any member. Two members shall constitute a quorum for transaction
10 of any business coming before the board. The members of the
11 board shall serve without compensation, but shall be reimbursed
12 for actual expenses incurred by them in the performance of
13 their duties. The board may designate an officer or employee
14 in the office of the chief medical referee to act as recording
15 secretary and custodian of the files and records, but no extra
16 compensation shall be paid for such services.

1 Sec. 2. The board shall appoint a chief medical referee
2 for the state of Iowa to take office on the second secular
3 day of January, 1957, to serve for four years. All subsequent
4 appointments shall be for terms of four years and until successors
5 have been appointed by the board and have qualified. Vacancies
6 shall be filled by the board for any unexpired terms. The chief
7 medical referee may be removed by the board at any time for
8 reasonable cause.

1 Sec. 3. The chief medical referee shall be a skilled
2 pathologist and eligible to be licensed in Iowa to engage in
3 the practice of medicine and surgery. He shall be the executive
4 officer of the board but shall not be a member. He shall receive
5 such salary of not less than ten thousand dollars (\$10,000.00)
6 per year as may be fixed by law, and shall devote his entire
7 time to his official duties.

1 Sec. 4. The board shall have the power to make, amend,
2 and repeal its own rules and regulations concerning procedures
3 and forms to carry out the purposes and intents of this Act.

1 Sec. 5. In carrying out his duties the chief medical
2 referee shall at all times keep in close and constant touch
3 with the chief of the division of criminal investigation.
4 Nothing in this Act shall be construed to prevent those two
5 officers from establishing such procedures and methods as they
6 may deem desirable better to expedite their common task of
7 crime detection.

1 Sec. 6. The chief medical referee shall take the oath
2 of office prescribed by section five (5), of article eleven
3 (XI), of the constitution of the state of Iowa and section
4 sixty-three point ten (63.10), Code 1954. He shall enter into
5 an official bond to be filed with the secretary of state in the
6 amount of not less than five thousand dollars (\$5,000.00) before
7 entering upon the duties of office.

1 Sec. 7. The commissioner of public safety shall request
2 and the executive council provide in the city of Des Moines,
3 under the supervision of the chief medical referee, a central
4 office and a laboratory having adequate professional and
5 technical personnel and physical facilities for the conduct of
6 post-mortem examinations and of such pathological, bacteriological
7 and toxicological investigations as may be necessary or proper.
8 The commissioner of public safety shall furnish the chief medical
9 referee with such furniture, equipment, records, and supplies
10 as may be required in the conduct of his office.

1 Sec. 8. In order to provide proper facilities for investigating
2 causes of death as authorized by this chapter the chief medical

3 referee with the approval of the commissioner of public safety,
4 may employ and pay qualified pathologists and toxicologists to
5 make autopsies and such other pathological and chemical studies
6 or investigations deemed necessary or advisable, and may arrange
7 for the use of existing laboratory facilities wherever these
8 are available.

1 Sec. 9. The chief medical referee, with the approval of
2 the commissioner of public safety, may employ technical,
3 clerical and other assistants necessary for the performance of
4 his official duties at salaries fixed by the commissioner
5 of public safety. All persons appointed by the chief medical
6 referee shall be responsible to him and shall serve at his
7 pleasure.

1 Sec. 10. The board on post-mortem examinations shall
2 appoint a medical referee for each county of the state who
3 shall take office on the second secular day of January, 1957,
4 to hold office for a term of two years and until his successor
5 has been appointed and qualified by the board. All subsequent
6 appointments shall be made by the board for two year terms
7 and vacancies for any unexpired term shall be filled by the
8 board, but temporary appointments may be made by the chief
9 medical referee to expire at the next meeting of the board.

1 Sec. 11. Each county medical referee shall be licensed
2 in Iowa as a doctor of medicine and surgery, or licensed in
3 Iowa as an osteopathic physician and surgeon as defined by
4 law. He shall be appointed by the board from lists of two or

5 more names submitted by the component medical society and the
6 osteopathic society of the county in which he is a resident.
7 If no list of names is submitted by either society, the board
8 shall appoint a county medical referee from the licensed doctors
9 of medicine, or licensed osteopathic physicians and surgeons
10 of the county. If no qualified appointee can be found in the
11 county, the board shall appoint the medical referee from an
12 adjoining county.

13 If, for good cause, a county medical referee is unable to
14 serve in any particular case or for any period of time, he
15 shall promptly notify the chief medical referee who shall
16 then designate some other qualified person of the county or
17 adjoining county to serve in his place.

1 Sec. 12. The county medical referee shall take the oath
2 of office prescribed by section five (5), of article eleven
3 (XI), of the constitution of the state of Iowa and shall enter
4 into bond with the county auditor in an amount to be fixed by
5 the board of supervisors.

1 Sec. 13. On or after the second secular day of January,
2 1957, the death of any person shall be reported to the county
3 medical referee by the physician in attendance, by any law
4 enforcement officer having knowledge of such death, by the
5 embalmer, or by any other person present, if the deceased
6 shall have died:

- 7 1. From violence.
- 8 2. Suddenly, when in apparent health.

9 3. When unattended by a physician during the period of
10 thirty-six (36) hours immediately preceding his death.

11 4. As a result of or following an abortion.

12 5. In prison.

13 6. In an accident in a gypsum or coal mine.

14 7. In a suspicious, unusual, or unnatural manner.

1 Sec. 14. Upon receipt of such notice the county medical
2 referee shall take charge of the dead body, make inquiries
3 regarding the cause and manner of death, reduce his findings
4 to writing on forms provided for such purpose, and forward
5 the original of such form to the chief medical referee,
6 retaining one copy for his own use, and delivering another
7 copy to the county attorney. He may, at his discretion, also
8 communicate his findings immediately to the chief medical
9 referee by telephone, telegram or other expeditious means.

10 Full directions as to the nature, character and extent
11 of investigation to be made in such cases, shall be furnished
12 the county medical referee by the chief medical referee, together
13 with appropriate forms for the required reports and instructions
14 for their use.

15 For each such preliminary investigation, including the
16 making of the required reports, the county medical referee
17 shall receive a fee of fifteen dollars (\$15.00), plus his actual
18 expenses, to be paid by the county for which he is appointed.

1 Sec. 15. Upon receipt of the report of investigation by
2 the county medical referee, the chief medical referee shall

3 immediately communicate pertinent information in the report
4 to the chief of the division of criminal investigation.

1 Sec. 16. If, in the opinion of the county medical referee
2 or the chief medical referee, an autopsy examination is advisable
3 and in the public interest, such autopsy shall be performed.
4 The written consent of the person or persons legally responsible
5 for the body or an order from a judge of the district court
6 in the district in which the body is located or an order from
7 the chief medical referee will constitute authority for said
8 autopsy. The autopsy may be made by the chief medical referee
9 or by such competent pathologist or toxicologist as he may
10 designate.

11 A full record and report of the facts developed by the
12 autopsy and findings of the person making such autopsy shall
13 be made promptly and filed with the county medical referee
14 and in the office of the chief medical referee. Pertinent
15 information embodied therein shall be furnished forthwith to
16 the chief of the division of criminal investigation by the
17 chief medical referee.

18 If requested, or if deemed proper by the chief medical
19 referee, a copy of the report shall also be furnished the county
20 attorney of the county in which the body is located.

1 Sec. 17. In any case of sudden, violent or suspicious
2 death after which the body was buried without any investigation
3 or autopsy, it shall be the duty of the county medical referee,
4 upon being advised of such facts, to notify the county attorney.

5 The county attorney shall thereupon apply for a court order
6 requiring the body to be exhumed, in accordance with chapter
7 one hundred forty-one (141), Code 1954. Upon receipt of the
8 court order an autopsy shall be performed by the chief medical
9 referee or by a pathologist or toxicologist designated by him
10 and the pertinent facts disclosed communicated to the court
11 ordering the disinterment for such action as it deems proper.

1 Sec. 18. Consistent with rules and regulations promulgated
2 by the board, the facilities of the central laboratory and the
3 services of the professional staff shall be made available to
4 the county medical referee under the provisions of this chapter.

1 Sec. 19. Reports of investigations made by the chief
2 medical referee or his assistants or by county medical referees,
3 and records and reports of autopsies made under the authority
4 of this chapter, shall be received as evidence in any court
5 or other proceedings, and copies of records, photographs,
6 laboratory findings, and records in the office of the chief
7 medical referee or any county medical referee, when duly attested
8 by the referee in whose office they are filed, shall be received
9 as evidence in any court or other proceedings for any purpose
10 for which the original could be received without proof of the
11 official character of the person whose name is signed thereto.

1 Sec. 20. After an investigation has been completed,
2 including an autopsy if one is made, the dead body shall be
3 delivered to the relatives or friends of the deceased person
4 for burial. In no case shall the county medical referee use

5 his influence in favor of any particular funeral director
6 but should assist the family or friends to the end that their
7 wishes are respected. If no person claims the body, it shall
8 be turned over to the sheriff of the county where death
9 occurred for proper disposition according to law. The expenses
10 incurred by such officer in the disposal of the dead body
11 shall be borne by the county where death occurred if the
12 deceased person had no known place of residence within the state,
13 but if the deceased person was a resident of the state of Iowa
14 at the time of his death such expenses shall be paid by the
15 county of residence. Such expenses shall be certified and
16 presented to the board of supervisors and allowed by them in a
17 reasonable amount and paid as other claims on the county. If
18 the deceased person has property out of which burial expenses
19 can be paid, either in whole or in part, this property shall
20 be taken for such purpose before any expense under this section
21 is imposed upon the county.

1 Sec. 21. Any property or money found with, or upon the
2 person of the deceased, if there be no person entitled by law
3 to such money or property, shall be turned over by the county
4 medical referee to the clerk of the district court, to be held
5 until disposed of according to law.

1 Sec. 22. It shall be unlawful to embalm a human body,
2 when any fact within the knowledge, or brought to the attention
3 of, the embalmer, is sufficient to arouse suspicion of crime
4 in connection with the cause of death of the deceased, until

5 the permission of the county medical referee has been first
6 obtained. In any case where it is the duty of the county
7 medical referee to view the body and investigate the death
8 of a deceased person under the applicable provisions of this
9 Act, it shall be unlawful to embalm the said body until the
10 permission of the county medical referee has first been obtained.

11 It shall be unlawful to cremate the dead body of a deceased
12 person until the county medical referee shall have certified
13 in writing that he has viewed the body and made personal inquiry
14 into the cause and manner of death and is of the opinion that
15 no further examination or judicial inquiry concerning the same
16 is necessary. A fee of ten dollars (\$10.00), shall be paid the
17 county medical referee for such certificate by the person making
18 application therefor, and a copy of such certificate shall be
19 promptly filed by the county medical referee in the office
20 of the chief medical referee. This certificate by the county
21 medical referee shall not be required in case of stillborn
22 infants if a physician was present at the stillbirth and the
23 cause of stillbirth as certified by him according to the
24 provisions of chapters one hundred forty-one (141) and one
25 hundred forty-four (144), Code 1954, are not such as to require
26 an investigation by the county medical referee as provided
27 by law.

28 Any person violating any of the provisions of this section
29 shall be deemed guilty of a misdemeanor, and, upon conviction
30 thereof, shall be fined not less than twenty-five (\$25.00), nor

31 more than one hundred dollars (\$100.00).

1 Sec. 23. Chapter three hundred thirty-seven (337), Code
2 1954, is amended by adding the following section:

3 "The district court, or, if not in session, the clerk
4 thereof in writing under his hand and seal of the court certifying
5 the above fact, may appoint any suitable person to serve legal
6 process and to perform all the duties of the sheriff under the
7 following circumstances:

8 1. When the office of sheriff and deputy sheriff is vacant.

9 2. When it appears from the papers that the sheriff is
10 a party to an action or proceeding in a court of record.

11 3. Where, in any action commenced or about to be commenced,
12 an affidavit showing the absence of the sheriff and his
13 deputy from the county, and they are not expected to
14 return in time to perform the service needed.

15 4. Where a showing of partiality, consanguinity, prejudice,
16 or interest on the part of the sheriff is made.

17 In such case, the clerk shall direct process to the
18 appointed person, indorsing thereon the reason therefor, which
19 that person shall execute in the same manner as if he were
20 sheriff.

21 Said appointee shall be sworn but he need not give bond
22 unless the clerk or court orders otherwise and fixes the amount
23 of the bond and his return shall be entitled to the same credit
24 as the sheriff's when the appointment is attached thereto."

1 Sec. 24. Section thirty-nine point seventeen (39.17),

2 Code 1954, is amended by striking from lines four (4) and five
3 (5) the words and commas (,) "a county attorney, and a coroner,"
1 and substituting in lieu thereof the words and comma (,) "and
5 a county attorney."

1 Sec. 25. Section sixty-four point eight (64.8), Code
2 1954, is amended by striking from lines three (3) and four (4),
3 the word and comma (,) "coroners,"

1 Sec. 26. Section eighty-two point one hundred sixteen
2 (82.116), Code 1954, is amended by striking from line five (5),
3 the word "coroner" and substituting the words "medical referee".

1 Sec. 27. Section eighty-three point thirteen (83.13),
2 Code 1954, is amended by striking from line six (6) the word
3 "coroner", and substituting in lieu thereof the words "county
4 medical referee".

1 Sec. 28. Section one hundred forty-one point five (141.5),
2 Code 1954, is amended by striking from line seven (7), the word
3 "coroner" and substituting the words "county medical referee".

1 Sec. 29. Section one hundred forty-one point six (141.6),
2 Code 1954, is amended by striking from line four (4) the word
3 "coroner", twice appearing, and substituting in lieu thereof
4 in both places the words "county medical referee".

1 Sec. 30. Section one hundred forty-one point fifteen (141.15),
2 Code 1954, is amended by striking from the line five (5) the
3 word "coroner's" and substituting the words "county medical
referee's".

1 Sec. 31. Section one hundred forty-one point twenty-four

2 (141.24), Code 1954, is amended by striking from line four (4)
3 the word and comma (,) "coroner,".

1 Sec. 32. Section one hundred forty-two point three (142.3),
2 Code 1954, is amended by striking from line one (1) the word
3 "coroner" and substituting the words "county medical referee".

1 Sec. 33. Section two hundred twenty-two point thirty-seven
2 (222.37), Code 1954, is amended by striking from lines three
3 (3) and four (4), the words "a coroner's inquest" and substituting
4 the words "an investigation by the county medical referee."

1 Sec. 34. Section two hundred twenty-six point thirty-four
2 (226.34), Code 1954, is amended by striking from line one (1) the
3 words "A Coroner's inquest" and substituting the words "An
4 investigation by the county medical referee".

1 Sec. 35. Section two hundred thirty-eight point twenty-four
2 (238.24), Code 1954, is amended by striking from line ten (10)
3 the words and comma (,) "in a coroner's inquest," and inserting
4 after the word and comma (,) "assembly," in line twelve (12) the
5 words and comma (,) "medical referee,".

1 Sec. 36. Section three hundred twenty-one point two hundred
2 seventy (321.270), Code 1954, is hereby repealed.

1 Sec. 37. Section three hundred thirty-three point eleven
2 (333.11), Code 1954, is amended by striking subsection five (5)
3 from the section and substituting the following subsection:

4 "5. The expenses of the county medical referee."

1 Sec. 38. Section three hundred forty point nineteen (340.19),
2 Code 1954, is hereby repealed.

1 Sec. 39. Section three hundred forty-one point one (341.1),
2 Code 1954, is amended by striking from line three (3) the word
3 and comma (,) "coroner,".

1 Sec. 40. Section three hundred forty-three point three
2 (343.3), Code 1954, is amended by striking from line two (2)
3 the word and comma (,) "coroner,".

1 Sec. 41. Section three hundred forty-three point four
2 (343.4), Code 1954, is amended by striking from line two (2)
3 the word and comma (,) "coroner,".

1 Sec. 42. Section three hundred sixty-eight point six (368.6),
2 Code 1954, is amended by striking from line seven (7) of subsection
3 five (5), the word and comma (,) "coroners,".

1 Sec. 43. Section six hundred twenty-two point sixty-three
2 (622.63), Code 1954, is amended by striking from line eight (8)
3 the word and comma (,) "coroner,".

1 Sec. 44. Section seven hundred nine point nine (709.9),
2 Code 1954, is amended by striking from line five (5) the word
3 and comma (,) "coroner," and substituting in lieu thereof the
4 words and comma (,) "county and medical referee,".

1 Sec. 45. Section seven hundred thirty-nine point nine
2 (739.9), Code 1954, is amended by striking from line one (1),
3 the word and comma (,) "coroner,".

1 Sec. 46. Section seven hundred forty point five (740.5),
2 Code 1954, is amended by striking from line six (6) the word
3 and comma (,) "coroner,".

1 Sec. 47. Section seven hundred forty point six (740.6),

2 Code 1954, is amended by striking from line three (3) the word
3 and comma (,) "coroner,".

1 Sec. 48 Section seven hundred forty-two point three (742.3),
2 Code 1954, is amended by striking from line three (3) the word
3 and comma (,) "coroner,".

1 Sec. 49. Section eighty-five A point nineteen (85A.19),
2 Code 1954, is amended by striking from line eight (8) the
3 word "coroner" and substituting in lieu thereof the words
4 "county medical referee".

1 Sec. 50. The coroners elected for the terms of January first
2 (1st) 1955, to January first (1st) 1957, shall complete their
3 terms and duties as prescribed by law and commencing January
4 first (first) 1957, the provisions of this Act shall govern.

1 Sec. 51. All Acts and parts of Acts, both general and
2 special, including charters of cities and towns, inconsistent
3 with the provisions of this Act, are hereby repealed to the
4 extent of the inconsistency.

1 Sec. 52. In order to carry out the provisions of this Act
2 there is hereby appropriated out of the general fund the sum of
3 twenty-five thousand dollars (\$25,000.00) or so much thereof as
4 may be necessary for each year of the biennium beginning July
5 first (1st) 1956. The money hereby appropriated shall be paid
6 on state warrants issued on vouchers signed by the chief medical
7 referee with approval of the commissioner of public safety,
8 or by such person or persons as may be designated by the
9 commissioner of public safety for the purpose.