

March 28, 1969

SENATE FILE 585

Passed on File

See State Govt. 4-23, Pass as amended 2-20

By COMMITTEE ON STATE GOVERNMENT

Passed Senate, Date *4-22-69* Passed House, Date *5-5-70*

Vote: Ayes *59* Nays *0* Vote: Ayes *113* Nays *0*

Approved *April 9, 1970*

*Passed as amended by
House and further
amended by Senate*

A BILL FOR

3/13 ayes 45, nays 0 Motion to reconsider filed 3/13, prevailed 3/23

1 An Act relating to a state crime laboratory, a state medical
2 examiner, county medical examiners, and the investigation
3 of unnatural deaths.

*Passed Senate as amended
by House, further amended
by Senate, reconsidered
and further amended
3-23-70*

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

ayes 54, nays 0

5 Section 1. A state crime laboratory under the control,
6 supervision, and direction of a state medical examiner is
7 hereby established within the college of medicine at the
8 university of Iowa. The state medical examiner shall possess

*Passed House as
further amended by
the Senate 3/31/70
ayes 104, nays 0*

9 a degree of doctor of medicine from an approved medical school,
10 be licensed to practice medicine in the state of Iowa, and
11 possess special training and skill in the medical specialty
12 of forensic pathology. The personnel of the state crime lab-
13 oratory shall conduct such autopsies, analyses, comparative
14 studies, toxicology studies, and other investigations re-
15 quested by the state medical examiner and, when requested
16 by a peace officer, any investigation relative to a crime.

17 Sec. 2. The board of regents, after consulting with the
18 attorney general and the commissioner of public safety, shall
19 appoint the state medical examiner. The board of regents may
20 also appoint one person to assist the state medical examiner
21 who shall be designated as the director of the state crime
22 laboratory. If no assistant is appointed, the state medical
23 examiner shall be the director. The state medical examiner
24 may be a faculty member of the college of medicine or the
25 college of law at the university of Iowa, and any of his

1 assistants or staff may be members of the faculty or staff of
2 the college of medicine or the college of law at the university
3 of Iowa. The board of regents shall fix the compensation of
4 the state medical examiner, his assistants and staff, and pro-
5 vide for the organization of the state crime laboratory. The
6 college of medicine at the university of Iowa shall provide
7 such facilities, equipment, and supplies as directed by the
8 board of regents.

9 Sec. 3. The board of supervisors of each county shall
10 appoint a county medical examiner who shall take office on
11 January 2, 1971, and each two years thereafter, and serve for
12 a term of two years and until his successor has been appointed
13 and qualifies. County medical examiners holding office upon
14 the effective date of this Act shall continue in office until
15 their successors are appointed and qualified. Vacancies for
16 any unexpired term shall be filled by the board of supervisors.

17 Sec. 4. Each county medical examiner shall be licensed in
18 Iowa as a doctor of medicine and surgery or as an osteopathic
19 physician. He shall be appointed by the board of supervisors
20 from lists of two or more names submitted by the medical
21 society and the osteopathic society of the county in which he
22 is a resident. If names are not submitted by either society,
23 the board of supervisors may appoint any licensed physician
24 of the county. If a qualified physician of the county will
25 not serve, the board of supervisors may appoint a physician
26 from another county. If a county medical examiner is unable
27 to serve in any particular case or for any period of time,
28 he shall promptly notify the chairman of the board of super-
29 visors who shall then designate some other qualified physician
30 to serve in his place.

31 Sec. 5. The county medical examiner shall take an oath of
32 office as prescribed by Article eleven (XI), section five (5),
33 of the Constitution of Iowa and shall post bond with the county
34 auditor in an amount to be fixed by the board of supervisors.

35 Sec. 6. The board of supervisors of each county may provide

1 such laboratory facilities, deputy medical examiners, and
2 other professional, technical, and clerical assistance as
3 may be required by the county medical examiner in the per-
4 formance of the duties imposed by this Act. However, such
5 requirements shall be subject to prior approval by the state
6 medical examiner.

7 Sec. 7. The duties of the state medical examiner shall
8 be:

9 1. To supervise and direct the county medical examiners
10 and to make the central laboratory services and facilities
11 available for their use.

12 2. To provide assistance, consultation, and training to
13 county medical examiners and law enforcement officials.

14 3. To supervise the state crime laboratory.

15 4. To keep complete records of all relevant information
16 concerning deaths or crimes requiring investigation.

17 5. To promulgate rules and regulations pursuant to chap-
18 ter seventeen A (17A) of the Code regarding the transfer of
19 items for analysis or investigation to the laboratory; the
20 use and capabilities of the laboratory; the manner and tech-
21 niques to be employed while conducting autopsies; the nature,
22 character, and extent of investigations to be made in cases
23 of homicide or suspected homicide necessary to allow a medi-
24 cal examiner to render a full and complete analysis and re-
25 port; the format and matters to be contained in all reports
26 rendered by medical examiners; and all other things necessary
27 to carry out this Act. All county medical examiners and peace
28 officers shall be subject to such rules and regulations.

29 6. To make available the services of the laboratory to any
30 defendant in a criminal case if ordered by the district court.
31 Such an order shall be entered only after hearing held upon
32 notice to all interested parties.

33 Sec. 8. Every person who knows of the existence of a body
34 where death occurred in the manner specified in section ten
35 (10) of this Act, shall notify the county or state medical

1 examiner thereof as soon as possible, unless such person shall
2 have good reason to believe that such notice has already been
3 given. Any person who shall fail to give such notice to a med-
4 ical examiner shall be guilty of a misdemeanor, and upon con-
5 viction thereof shall be fined not more than five hundred dollars
6 or sentenced to the county jail for not more than six months,
7 or by both such fine and imprisonment.

8 Sec. 9. Upon notice of a death occurring in the manner
9 specified in section ten (10) of this Act, the appropriate
10 medical examiner shall notify the proper law enforcement of-
11 ficers and take charge of the body. The medical examiner shall
12 also make inquiries regarding the cause and manner of death,
13 reduce his findings to writing, promptly make a full report
14 thereof to the state medical examiner on forms prescribed for
15 such purpose, and deliver a copy of said report to the county
16 attorney of his county. For each such preliminary investiga-
17 tion, including the making of the required reports, the county
18 medical examiner shall receive a fee as set by the board of
19 supervisors, plus his actual expenses, to be paid by the
20 county for which he is appointed.

21 Sec. 10. The state medical examiner shall investigate or
22 cause the county medical examiner to investigate human deaths
23 where determination of the cause of death is in the public
24 interest. Deaths affected with the public interest shall in-
25 clude, but not necessarily be limited to, all deaths known or
26 suspected to be of the following types:

27 1. Violent deaths, including homicidal, suicidal, or
28 accidental deaths.

29 2. Deaths caused by thermal, chemical, electrical, or
30 radiation injury.

31 3. Deaths caused by criminal abortion including those
32 self-induced, or by rape, carnal knowledge, or crimes against
33 nature.

34 4. Deaths relating to industrial accidents or disease.

35 5. Deaths related to disease thought to be virulent or

1 contagious, which might constitute a public hazard.

2 6. Deaths that have occurred unexpectedly, or from un-
3 explained causes.

4 7. Deaths of persons confined in any prison, jail, or
5 correctional institution.

6 8. Deaths of persons where a physician was not in atten-
7 dance at any time at least thirty-six hours preceding death,
8 with the exception of prediagnosed terminal or bedfast cases
9 for which the time period shall be extended to twenty days.

10 9. Deaths of persons where the bodies are not claimed by
11 relatives or friends.

12 10. Deaths of all persons wherein the identity of the
13 deceased is unknown.

14 Sec. 11. The county medical examiner shall investigate
15 each death occurring in the manner specified in section ten
16 (10) of this Act, and report each case to the state medical
17 examiner. The county medical examiner shall conduct such in-
18 vestigation as may be required by the state medical examiner
19 and shall determine whether or not the public interest re-
20 quires an autopsy or other special investigation. In his
21 determination of the need for an autopsy, the county medical
22 examiner may consider the requests for an autopsy made by
23 private persons or public officials, except that the state
24 medical examiner, the county attorney, or the director of the
25 health department of the county where the death occurred may
26 require an autopsy.

27 Sec. 12. A complete record of the findings of a person
28 making an autopsy shall be promptly made and filed in the
29 office of the state medical examiner and the county attorney
30 for the county where death occurred and the county attorney
31 of the county wherein any injury contributing to or causing
32 death was sustained.

33 Sec. 13. When any death occurs in the manner specified
34 in section ten (10) of this Act, the body shall not be dis-
35 turbed or removed from the position in which it is found by

1 any person without authorization from the county medical ex-
2 aminer or the state medical examiner, except for the purpose
3 of preserving such body from loss or destruction, or premit-
4 ting the passage of traffic on a highway, railroad, or air-
5 port, or if the failure to immediately remove such body might
6 endanger life, safety, or health. It shall be unlawful for
7 any person to move, disturb, or conceal a body in violation
8 of this Act.

9 Sec. 14. Reports of investigations made by the state
10 medical examiner or his designee or by a county medical ex-
11 aminer or his designee, and the records and reports of autop-
12 sies made as provided in this Act, shall be received as evi-
13 dence in any court or other proceedings, except that state-
14 ments by witnesses or other persons and conclusions on ex-
15 traneous matters are not hereby made admissible. The persons
16 preparing a report of record given in evidence hereunder may
17 be subpoenaed as a witness in any civil or criminal case by
18 any party to the cause. Copies of records, photographs, lab-
19 oratory findings, and records in the office of the state medi-
20 cal examiner or any medical examiner, when duly attested to
21 the state medical examiner or one of his staff, or the medical
22 examiner in whose office the same are, shall be received as
23 evidence in any court or other proceedings for any purpose for
24 which the original could be received without proof of the
25 official character of the person whose name is signed thereto.

26 Sec. 15. If there is no person entitled by law to any
27 property or money found on a deceased person, it shall be
28 deposited with the clerk of the district court to be held until
29 disposed of according to law.

30 Sec. 16. After an investigation has been completed, in-
31 cluding an autopsy if one is made, the body shall be delivered
32 to the relatives or friends of the deceased person for burial.
33 No medical examiner shall use influence in favor of any par-
34 ticular funeral director. If no person claims a body, it shall
35 be disposed of as provided in chapter one hundred forty-two

1 (142) of the Code.

2 Sec. 17. It shall be unlawful to embalm a body when the
3 embalmer has any reason to believe death occurred in a manner
4 specified in section ten (10) of this Act, or when there is
5 evidence sufficient to arouse suspicion of crime in connection
6 with the cause of death of the deceased, or where it is the
7 duty of a medical examiner to view the body and investigate
8 the death of the deceased person, until the permission of a
9 county medical examiner has been obtained. Whenever feasible,
10 the body shall be released to the funeral director for embalm-
11 ing within twenty-four hours of death.

12 It shall be unlawful to cremate, bury, or send out of the
13 state the body of a deceased person when death occurred in a
14 manner specified in section ten (10) of this Act, until a medi-
15 cal examiner shall certify in writing that he has viewed the
16 body and has made personal inquiry into the cause and manner
17 of death and that all necessary autopsy or post mortem examin-
18 ations have been completed.

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

30 Any person violating any of the provisions of this section
31 shall be deemed guilty of a misdemeanor and, upon conviction
32 thereof, shall be fined not more than one thousand dollars or
33 imprisoned in the county jail not more than one year, or by
34 both such fine and imprisonment.

35 Sec. 18. In any case of sudden, violent, or suspicious

1 death after which the body is buried without any investigation
2 or autopsy, the county medical examiner shall, upon being ad-
3 vised of such facts, notify the county attorney. The county
4 attorney shall thereupon apply for a court order requiring the
5 body to be exhumed, in accordance with chapter one hundred
6 forty-one (141) of the Code. Upon receipt of the court order,
7 an autopsy shall be performed by a medical examiner or by a
8 pathologist designated by him and the facts disclosed by such
9 autopsy communicated to the court ordering the disinterment
10 for such action as may be proper.

11 Sec. 19. The board of regents is hereby authorized to
12 accept federal or private funds or grants to aid in the estab-
13 lishment or operation of the state crime laboratory.

14 Sec. 20. The governor shall by executive order provide for
15 the transfer of any appropriate laboratory facilities, equip-
16 ment, and technical personnel of the state to the state crime
17 laboratory if such transfer will more effectively and effi-
18 ciently aid the investigation of crime.

19 Sec. 21. Chapter three hundred thirty-nine (339), Code
20 1966, is hereby repealed.

EXPLANATION OF SENATE FILE 585

This bill will create a state crime laboratory and a state medical examiner to aid all county medical examiners and law enforcement officials in the detection of crime and the apprehension of criminals. The bill will also clarify the present law concerning unnatural deaths and the duties of county medical examiners.

SENATE AMENDMENT TO THE HOUSE AMENDMENT TO
SENATE FILE 585

- 1 Amend the House amendment to Senate File 585 as follows:
2 1. By striking all after the word "laboratory." in line 6 and all
3 of lines 7 through 13, inclusive, and inserting in lieu thereof the
4 following: "The commissioner of public safety may assign the
5 criminalistics laboratory to a division or bureau within his
6 department. The laboratory shall, within its capabilities, conduct
7 analyses, comparative studies, fingerprint identification, fire-
8 arms indentification, questioned documents studies, and other
9 studies normally performed by a criminalistics laboratory when
10 requested by a county attorney, medical examiner, or law enforce-
11 ment agency of this state to aid in any criminal investigation.
12 Agents of the division of criminal investigation and bureau of
13 identification may be assigned to the criminalistics laboratory
14 by the commissioner. New employees shall be appointed pursuant
15 to chapter ninety-five (95), Acts of the Sixty-second General
16 Assembly, and need not qualify as agents for the division of
17 criminal investigation and bureau of identification, and shall
18 not participate in the peace officers' retirement plan established
19 pursuant to chapter ninety-seven A (97A) of the Code."
20 2. Line 15, by striking the words "possess a", and by striking
21 all of line 16 and inserting in lieu thereof the following: "be
22 a physician and surgeon or osteopathic physician and surgeon and".
23 3. Line 18, by striking the words "training in the medical
24 specialty of" and inserting in lieu thereof the words "knowledge
25 in".
26 4. Line 19, by inserting after the word "by" the words "and
27 serve at the pleasure of the governor".
28 5. By striking lines 20, 21, and 22, inclusive, and by striking
29 from line 23 the words "is six years".
30 6. Line 27, by striking the words "The board of", and by
31 striking all of lines 28 and 29.
32 7. Line 34, by inserting after the word "investigation" the
33 words "by the state medical examiner".
34 8. By striking from lines 36 and 37 the words "the transfer of
35 items for analysis or investigation to laboratories;".
36 9. By adding after line 13 the following new sections and
37 renumbering the remaining sections:
38 a. "Sec. 2. It shall be presumed that any employee or
39 technician of the criminalistics laboratory is qualified or
40 possesses the required expertise to accomplish any analysis,
41 comparison, or identification done by him in the course of his
42 employment in the criminalistics laboratory. Any report, or copy
43 thereof, or the findings of the criminalistics laboratory shall
44 be received in evidence in any court, preliminary hearing, and
45 grand jury proceeding in the same manner and with the same force
46 and effect as if the employee or technician of the criminalistics
47 laboratory who accomplished the requested analysis, comparison,
48 or identification had testified in person. An accused person or
49 his attorney may request that such employee or technician testify

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50 in person at a criminal trial on behalf of the state before a jury
51 or to the court, by notifying the proper county attorney at least
52 ten days before the date of such criminal trial."

53 b. "Sec. 3. The commissioner of public safety shall make
54 rules defining the capabilities of the criminalistics laboratory.
55 He shall make rules governing the handling of items to be processed
56 by the criminalistics laboratory from the time they are forwarded
57 to the laboratory by a county medical examiner or a city, town,
58 or state law enforcement agency or county sheriff until their return
59 to the forwarder. The rules shall prescribe a method of identifying,
60 forwarding, handling and returning items that will maintain the
61 identity and integrity of the item. An item handled in conformity
62 with the rules shall be presumed to be admissible in evidence
63 as to the period in transit to and from and while in custody
64 of the laboratory without further foundation."

65 c. "Sec. 4. The county attorney shall give the accused
66 person, or his attorney, after an indictment or county attorney's
67 information has been returned, a copy of each report of the find-
68 ings of the criminalistics laboratory conducted in the investi-
69 gation of the indictable criminal charge against him at the time
70 of arraignment, or if such report is received after arraignment,
71 upon receipt, whether or not such findings are to be used in
72 evidence against him. If such report is not given to the accused
73 or his attorney at least four days prior to trial, such fact
74 shall be grounds for a continuance."

75 10. By striking lines 70 through 74, inclusive.

76 11. By striking in lines 88 and 89 the words "proper law-
77 enforcement officers" and by striking in line 102 the words
78 "proper law-enforcement officer", and inserting in lieu thereof
79 in each instance the words "city, town, or state law enforcement
80 agency or county sheriff".

81 12. By changing the cross references to sections in lines 87,
82 101, 138 and 139, 156, 196 and 206 from "ten (10)" to "twelve (12)".

Received from the Senate
March 24, 1970

House Concurred 3/31

SENATE CLIP SHEET

Friday, March 13, 1970

SENATE FILE 585

1 Amend the House amendment to Senate File 585 as follows:

2 1. By striking all after the word "laboratory." in line 6 and all
3 of lines 7 through 13, inclusive, and inserting in lieu thereof the
4 following:

5 The commissioner of public safety may assign the criminalis-
6 tics laboratory to a division or bureau within his department.
7 The laboratory shall, within its capabilities, conduct analyses,
8 comparative studies, fingerprint identification, firearms identi-
9 fication, questioned documents studies, and other studies normally
10 performed by a criminalistics laboratory when requested by a
11 county attorney, medical examiner, or law enforcement agency of
12 this state to aid in any criminal investigation. Agents of the
13 division of criminal investigation and bureau of identification
14 may be assigned to the criminalistics laboratory by the commis-
15 sioner. New employees shall be appointed pursuant to chapter
16 ninety-five (59), Acts of the Sixty-second General Assembly, and
17 need not qualify as agents for the division of criminal investiga-
18 tion and bureau of identification, and shall not participate in
19 the peace officers' retirement plan established pursuant to chapter
20 ninety-seven A (97A) of the Code.

21 2. Line 15, by striking the words "shall possess a".

22 3. By striking line 16 and inserting in lieu thereof the words
23 "be a physician and surgeon or osteopathic physician and surgeon
24 and".

25 4. By inserting in line 19 after the word "by" the words "and
26 serve at the pleasure of".

27 5. By striking in line 23 the words "is six years" and inserting
28 in lieu thereof the words "shall be six years from the date of
29 appointment".

30 6. By inserting in line 27 after the period the following sentence:

31 "The college of medicine shall provide the state medical
32 examiner with the necessary equipment, facilities, and staff to
33 accomplish his duties."

34 7. By inserting in line 29 after the word "staff" the words "and
35 include such compensation and all other expenses of the state
36 medical examiner in its budget".

37 8. By inserting in line 34 after the word "investigation" the
38 words "by the state medical examiner".

39 9. By striking from lines 36 and 37 the words "the transfer of
40 items for analysis or investigation to laboratories;".

41 10. By adding after line 13, the following new sections and re-
42 numbering the remaining sections:

43 a. Sec. 2. It shall be presumed that any employee or tech-
44 nician of the criminalistics laboratory is qualified or possesses
45 the required expertise to accomplish any analysis, comparison, or
46 identification done by him in the course of his employment in the

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47 criminalistics laboratory. Any report, or copy thereof, or the
48 findings of the criminalistics laboratory shall be received in
49 evidence in any court, preliminary hearing, and grand jury proceed-
50 ing in the same manner and with the same force and effect as if
51 the employee or technician of the criminalistics laboratory who
52 accomplished the requested analysis, comparison, or identification
53 had testified in person. An accused person or his attorney may re-
54 quest that such employee or technician testify in person at a
55 criminal trial before a jury or to the court, if such accused has
56 evidence to controvert the findings of the criminalistics labora-
57 tory, by notifying the proper county attorney at least ten days
58 before the date of such criminal trial.

59 b. Sec. 3. The commissioner of public safety shall make
60 rules defining the capabilities of the criminalistics laboratory.
61 He shall make rules governing the handling of items to be pro-
62 cessed by the criminalistics laboratory from the time they are
63 forwarded to the laboratory by a county medical examiner or a
64 city, town, or state law enforcement agency or county sheriff
65 until their return to the forwarder. The rules shall prescribe
66 a method of identifying, forwarding, handling and returning items
67 that will maintain the identity and integrity of the item. An
68 item handled in conformity with the rules shall be presumed to be
69 admissible in evidence as to the period in transit to and from
70 and while in custody of the laboratory without further foundation.

71 c. Sec. 4. The accused person or his attorney shall at the
72 request of the county attorney be given a copy of each report of
73 the findings of the criminalistics laboratory or the findings of
74 any other law enforcement agency or private person on any analysis,
75 comparison, or identification in any indictable criminal action
76 against him, whether or not such findings are to be used in evidence,
77 at least three days prior to the date of trial.

78 11. By striking lines 70 through 74, inclusive.

79 12. Lines 88 and 102, by striking the words "proper law-enforce-
ment

80 officers" and inserting in lieu thereof the words "city, town, or
81 state law enforcement agency or county sheriff".

82 13. By changing the cross references to sections in lines 87, 101,
83 138 and 139, 156, 196 and 206 from "ten (10)" to "twelve (12)".

84 14. By inserting in line 148 after the period the following
85 sentence:

86 "If the autopsy is to be performed by the state medical
87 examiner, he may require that the body be immediately transported
88 to the university of Iowa college of medicine for such purpose."

Filed - *Adopted as amended 3/13, Reconsidered*

March 12, 1970

By COMMITTEE ON STATE GOVERNMENT

- 1 Amend the Clarke, et al., amendment to the House amendment
- 2 to Senate File 585, filed March 12, 1970, as follows:
- 3 1. Line 21, by striking the word "shall".
- 4 2. Line 79, by inserting after the figure "88" the word
- 5 and figure "and 89,".

Filed and adopted
March 13, 1970

By CLARKE

- 1 Amend the Clarke, et al., amendment to the House
- 2 amendment to Senate File 585 as follows:
- 3 1. By inserting in line 55 after the word
- 4 "trial" the words, "on behalf of the state".
- 5 2. By striking in lines 55, 56, and 57 the
- 6 words, ", if such accused has evidence to controvert
- 7 the findings of the criminalistics laboratory,".

Filed and adopted
March 13, 1970

By GLENN and GAUDINEER

- 1 Amend the Clarke, et al., amendment to Senate File 585, filed
- 2 March 12, 1970, as follows:
- 3 1. By striking lines 27, 28, 29.
- 4 2. By striking lines 30 through 33, inclusive, and by
- 5 inserting in lieu thereof the following:
- 6 "6. Line 18, by striking the words 'training in the
- 7 medical specialty of' and by inserting in lieu thereof the
- 8 words 'knowledge in'."
- 9 3. By striking lines 34 through 36, inclusive, and by
- 10 inserting in lieu thereof the following new division:
- 11 "By striking lines 20, 21, and 22 and by striking from
- 12 line 23 the words 'is six years' and inserting in lieu
- 13 thereof the words 'the governor'."
- 14 4. By inserting after line 36 the following new division
- 15 and by renumbering the remaining divisions in conformity
- 16 therewith:
- 17 "8. By striking from line 27 the words 'The board of'
- 18 and all of lines 28 and 29."
- 19 5. By striking lines 84 through 88, inclusive.

Filed - adopted 3/23
March 19, 1970

By GAUDINEER, CLARKE and ARBUCKLE

1 Amend the Clarke, et al., amendment to the House amend-
2 ment to Senate File 585 by striking lines 71 through 77, in-
3 clusive and by inserting in lieu thereof the following:
4 "Sec. 4. The county attorney shall give the accused
5 person, or his attorney, after an indictment or county at-
6 torney's information has been returned, a copy of each report
7 of the findings of the criminalistics laboratory conducted in
8 the investigation of the indictable criminal charge against
9 him at the time of arraignment, or if such report is received
10 after arraignment, upon receipt, whether or not such findings
11 are to be used in evidence against him. If such report is
12 not given to the accused or his attorney at least four days
13 prior to trial, such fact shall be grounds for a continuance."

Filed and adopted
March 13, 1970

By MOWRY, GAUDINEER and CLARKE

1 Amend the Clarke, et al., amendment to Senate File 585,
2 filed March 12, 1970, by striking lines 30 through 36,
3 inclusive, and renumbering the subsequent subsections.

Filed - *Withdrawn 3/23*
March 18, 1970

By DODERER and NEU

HOUSE AMENDMENT TO SENATE FILE 585

1 Amend Senate File 585, as passed by the Senate, as follows:

2 1. By striking all after the enacting clause and inserting in
3 lieu thereof the following:

4 Section 1. There is hereby created under the control,
5 direction and supervision of the commissioner of public safety
6 a state criminalistics laboratory. The commissioner shall
7 appoint a director of the state criminalistics laboratory and
8 determine the placement of such laboratory within the department.

9 The laboratory shall conduct analyses, comparative studies,
10 toxicology studies, and other studies normally performed by
11 criminalistics laboratories. The laboratory may also assist
12 in autopsies when requested by any medical examiner and in
13 criminal investigations when requested by a peace officer.

14 Sec. 2. There is hereby created the position of state
15 medical examiner. The state medical examiner shall possess a
16 degree of doctor of medicine from an approved medical school,
17 be licensed to practice medicine in the state of Iowa, and
18 possess special training in the medical specialty of forensic
19 pathology. The state medical examiner shall be appointed by
20 the governor from a list of qualified persons submitted by the
21 board of regents, the attorney general, and the commissioner of
22 public safety. The terms of office of the state medical examiner
23 is six years. The state medical examiner may be a faculty
24 member of the college of medicine or the college of law at the
25 university of Iowa, and any of his assistants or staff may be
26 members of the faculty or staff of the college of medicine or
27 the college of law at the university of Iowa. The board of
28 regents shall fix the compensation of the state medical examiner
29 and his assistants or staff.

30 Sec. 3. The duties of the state medical examiner shall be:

31 1. To provide assistance, consultation, and training to
32 county medical examiners and law-enforcement officials.
33 To keep complete records of all relevant information
34 concerning deaths or crimes requiring investigation.

35 3. To promulgate rules and regulations pursuant to chapter
36 seventeen A (17A) of the Code regarding the transfer of items
37 for analysis or investigation to laboratories; the manner and
38 techniques to be employed while conducting autopsies; the
39 nature, character, and extent of investigations to be made in
40 cases of homicide or suspected homicide necessary to allow
41 a medical examiner to render a full and complete analysis and
42 report; the format and matters to be contained in all reports
43 rendered by medical examiners; and all other things necessary
44 to carry out this Act. All county medical examiners and peace
45 officers shall be subject to such rules and regulations.

46 Sec. 4. The board of supervisors of each county shall
47 appoint a county medical examiner who shall take office on
48 January 2, 1971, and each two years thereafter, and serve for
49 a term of two years and until his successor has been appointed
50 and qualifies. County medical examiners holding office upon

*Senate concurred
in House amendment
as amended 3/13
Reconsidered, concurred
as further amended 3/22*

51 the effective date of this Act shall continue in office until
52 their successors are appointed and qualified. Vacancies for
53 any unexpired term shall be filled by the board of supervisors.

54 Sec. 5. Each county medical examiner shall be licensed in
55 Iowa as a doctor of medicine and surgery, as a doctor of osteo-
56 pathic medicine and surgery, or as an osteopathic physician. He
57 shall be appointed by the board of supervisors from lists of two
58 or more names submitted by the medical society and the osteopathic
59 society of the county in which he is a resident. If names are
60 not submitted by either society, the board of supervisors may
61 appoint any licensed physician, osteopathic physician and
62 surgeon, or osteopathic physician of the county. If such
63 qualified physician of the county will not serve, the board
64 of supervisors may appoint a physician from another county.
65 If a county medical examiner is unable to serve in any
66 particular case or for any period of time, he shall promptly
67 notify the chairman of the board of supervisors who shall then
68 designate some other qualified physician to serve in his
69 place.

70. Sec. 6. The county medical examiner shall take an oath of
71 office as prescribed by Article eleven (XI), section five (5),
72 of the Constitution of Iowa and shall post bond with the
73 county auditor in an amount to be fixed by the board of
74 supervisors.

75 Sec. 7. The board of supervisors of each county may
76 provide such laboratory facilities, deputy medical examiners,
77 and other professional, technical, and clerical assistance as
78 may be required by the county medical examiner in the
79 performance of the duties imposed by this Act. However, such
80 requirements shall be subject to prior approval by the state
81 medical examiner.

82 Sec. 8. The death of any person shall be reported to the
83 county medical examiner or state medical examiner by the
84 physician in attendance, by any law-enforcement officer having
85 knowledge of such death, by the embalmer, or by any other
86 person present, if the deceased shall have died in the manner
87 specified in section ten (10) of this Act. The appropriate
88 medical examiner shall notify the proper law-enforcement
89 officers and take charge of the body. The county medical
90 examiner shall also make inquiries regarding the cause and
91 manner of death, reduce his findings to writing, promptly make
92 a full report thereof to the state medical examiner on forms
93 prescribed for such purpose, and deliver a copy of said report
94 to the county attorney of his county. For each such preliminary
95 investigation, including the making of the required reports, the
96 county medical examiner shall receive a fee as set by the
97 board of supervisors, plus his actual expenses, to be paid
98 by the county for which the service was performed.

99 Sec. 9. Every person who knows of the existence of a body
100 where death occurred in the manner specified in section
101 ten (10) of this Act, shall notify the county or state medical
102 examiner or the proper law-enforcement officer thereof as

103 soon as possible, unless such person shall have good reason
104 to believe that such notice has already been given. Any
105 person who shall fail to give such notice to a medical examiner
106 shall be guilty of a public offense, and upon conviction
107 thereof shall be punished by a fine of not more than five
108 hundred dollars or a sentence in the county jail of not more
109 than six months, or by both such fine and imprisonment.

110 Sec. 10. The state medical examiner shall investigate or
111 cause the county medical examiner to investigate human deaths
112 where determination of the cause of death is in the public
113 interest. Deaths affected with the public interest shall
114 include, but not necessarily be limited to, all deaths known
115 or suspected to be of the following types:

116 1. Violent deaths, including homicidal, suicidal, or
117 accidental deaths.

118 2. Deaths caused by thermal, chemical, electrical, or
119 radiation injury.

120 3. Deaths caused by criminal abortion including those
121 self-induced, or by rape, carnal knowledge, or crime against
122 nature.

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

125 5. Deaths that have occurred unexpectedly, or from un-
126 explained causes.

127 6. Deaths of persons confined in any prison, jail, or
128 correctional institution.

129 7. Deaths of persons where a physician was not in atten-
130 dance at any time at least thirty-six hours preceding death,
131 with the exception of prediagnosed terminal or bedfast cases
132 for which the time period shall be extended to twenty days.

133 8. Deaths of persons where the bodies are not claimed by
134 relatives or friends.

135 9. Deaths of all persons wherein the identity of the
136 deceased is unknown.

137 Sec. 11. The county medical examiner shall investigate
138 each death occurring in the manner specified in section ten
139 (10) of this Act, and report each case to the state medical
140 examiner. The county medical examiner shall conduct such
141 investigation as may be required by the state medical examiner
142 and shall determine whether or not the public interest requires
143 an autopsy or other special investigation. In his determination
144 of the need for an autopsy, the county medical examiner may
145 consider the requests for an autopsy made by private persons
146 or public officials, except that the state medical examiner
147 or the county attorney of the county where the death occurred
148 may require an autopsy.

149 Sec. 12. A complete record of the findings of a person
150 making an autopsy shall be promptly made and filed in the
151 office of the state medical examiner and the county attorney
152 for the county where death occurred and by the county attorney
153 of the county wherein any injury contributing to or causing
154 death was sustained.

155 Sec. 13. When any death occurs in the manner specified
156 in section ten (10) of this Act, the body shall not be
157 disturbed or removed from the position in which it is found by
158 any person without authorization from the county medical
159 examiner or the state medical examiner, except for the purpose
160 of preserving such body from loss or destruction, or permitting
161 the passage of traffic on a highway, railroad, or airport,
162 or if the failure to immediately remove such body might endanger
163 life, safety, or health. It shall be unlawful for any person
164 to move, disturb, or conceal a body in violation of this Act.

165 Sec. 14. Reports of investigations made by the state
166 medical examiner or his designee or by a county medical examiner
167 or his designee, and the records and reports of autopsies made
168 as provided in this Act, shall be received as evidence in any
169 court or other proceedings, except that statements by
170 witnesses or other persons and conclusions on extraneous matters
171 included within the report are not hereby made admissible. The
172 persons preparing a report or record given in evidence hereunder
173 may be subpoenaed as a witness in any civil or criminal case
174 by any party to the cause. Copies of records, photographs,
175 laboratory findings, and records in the office of the state
176 medical examiner or any medical examiner, when duly attested
177 to by the state medical examiner or one of his staff, or the
178 medical examiner in whose office the same are, shall be received
179 as evidence in any court or other proceedings for any purpose
180 for which the original could be received without proof of
181 the official character of the person whose name is signed
182 thereto.

183 Sec. 15. If there is no person entitled by law to any
184 property or money found on a deceased person, it shall be
185 deposited with the clerk of the district court to be held
186 until disposed of according to law.

187 Sec. 16. After an investigation has been completed,
188 including an autopsy if one is made, the body shall be
189 delivered to the relatives or friends of the deceased person
190 for burial. No medical examiner shall use influence in favor
191 of any particular funeral director. If no person claims a
192 body, it shall be disposed of as provided in chapter one
193 hundred forty-two (142) of the Code.

194 Sec. 17. It shall be unlawful to embalm a body when the
195 embalmer has any reason to believe death occurred in a manner
196 specified in section ten (10) of this Act, or when there is
197 evidence sufficient to arouse suspicion of crime in connection
198 with the cause of death of the deceased, or where it is the
199 duty of a medical examiner to view the body and investigate
200 the death of the deceased person, until the permission of a
201 county medical examiner has been obtained. Whenever feasible,
202 the body shall be released to the funeral director for
203 embalming within twenty-four hours of death.

204 It shall be unlawful to cremate, bury, or send out of the
205 state the body of a deceased person when death occurred in a
206 manner specified in section ten (10) of this Act, until a

207 medical examiner shall certify in writing that he has viewed
208 the body and has made personal inquiry into the cause and
209 manner of death and that all necessary autopsy or postmortem
210 examinations have been completed.

211 A fee as set by the board of supervisors shall be paid the
212 county medical examiner for an examination certificate by the
213 person making application therefor, and a copy of such
214 certificate shall be promptly filed by the medical examiner in
215 his office. The certificate of the county medical examiner
216 shall not be required in cases of stillborn infants if a
217 physician was present at the stillbirth and the cause of
218 stillbirth, as certified by the physician according to the
219 provisions of chapters one hundred forty-one (141) and one
220 hundred forty-four (144) of the Code, is not such as to
221 require an investigation by a medical examiner.

222 Any person violating any of the provisions of this section
223 shall be deemed guilty of a misdemeanor and, upon conviction
224 thereof, shall be fined not more than one thousand dollars or
225 imprisoned in the county jail not more than one year, or by
226 both such fine and imprisonment.

227 Sec. 18. In any case of sudden, violent, or suspicious
228 death after which the body is buried without any investigation
229 or autopsy, the county medical examiner shall, upon being
230 advised of such facts, notify the county attorney. The county
231 attorney shall thereupon apply for a court order requiring
232 the body to be exhumed, in accordance with chapter one hundred
233 forty-one (141) of the Code. Upon receipt of the court order,
234 an autopsy shall be performed by a medical examiner or by a
235 pathologist designated by him and the facts disclosed by such
236 autopsy communicated to the court ordering the disinterment
237 for such action as may be proper.

238 Sec. 19. The commissioner of public safety may accept
239 federal or private funds or grants to aid in the establishment
240 or operation of the state criminalistics laboratory, and the
241 board of regents may accept federal or private funds or grants
242 to aid in the establishment of the position of state medical
243 examiner.

244 Sec. 20. The governor shall by executive order provide for
245 the transfer of any appropriate laboratory facilities,
246 equipment, and technical personnel of the state to the state
247 criminalistics laboratory if such transfer will more
248 effectively and efficiently aid the investigation of crime.

249 Sec. 21. Chapter three hundred thirty-nine (339), Code
250 1966, is hereby repealed.

251 2. Page 1, line 1, by striking the word "crime" and inserting
252 in lieu thereof the word "criminalistics".

SENATE FILE 585

1 Amend Senate File 585, as passed by the Senate, as follows:

2 1. By striking all after the enacting clause and inserting in
3 lieu thereof the following:

4 Section 1. There is hereby created under the control,
5 direction and supervision of the commissioner of public safety
6 a state criminalistics laboratory. The commissioner shall ap-
7 point a director of the state criminalistics laboratory and
8 determine the placement of such laboratory within the depart-
9 ment. The laboratory shall conduct analyses, comparative
10 studies, toxicology studies, and other studies normally per-
11 formed by criminalistics laboratories. The laboratory may
12 also assist in autopsies when requested by any medical examiner
13 and in criminal investigations when requested by a peace officer.

14 Sec. 2. There is hereby created the position of state med-
15 ical examiner. The state medical examiner shall possess a de-
16 gree of doctor of medicine from an approved medical school, be
17 licensed to practice medicine in the state of Iowa, and possess
18 special training in the medical specialty of forensic pathology.
19 The state medical examiner shall be appointed by the governor
20 from a list of qualified persons submitted by the board of
21 regents, the attorney general, and the commissioner of public
22 safety. The term of office of the state medical examiner is
23 six years. The state medical examiner may be a faculty member
24 of the college of medicine or the college of law at the univer-
25 sity of Iowa, and any of his assistants or staff may be members
26 of the faculty or staff of the college of medicine or the col-
27 lege of law at the university of Iowa. The board of regents
28 shall fix the compensation of the state medical examiner and
29 his assistants or staff.

30 Sec. 3. The duties of the state medical examiner shall
31 be:

32 1. To provide assistance, consultation, and training to
33 county medical examiners and law enforcement officials.

34 2. To keep complete records of all relevant information
35 concerning deaths or crimes requiring investigation.

36 3. To promulgate rules and regulations pursuant to chap-
37 ter seventeen A (17A) of the Code regarding the transfer of
38 items for analysis or investigation to laboratories; the man-
39 ner and techniques to be employed while conducting autopsies;
40 the nature, character, and extent of investigations to be
41 made in cases of homicide or suspected homicide necessary to
42 allow a medical examiner to render a full and complete analysis
43 and report; the format and matters to be contained in all re-
44 ports rendered by medical examiners; and all other things nec-
45 essary to carry out this Act. All county medical examiners
46 and peace officers shall be subject to such rules and regula-
47 tions.

48 Sec. 4. The board of supervisors of each county shall
49 appoint a county medical examiner who shall take office on
50 January 2, 1971, and each two years thereafter, and serve for

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51 a term of two years and until his successor has been appointed
52 and qualifies. County medical examiners holding office upon
53 the effective date of this Act shall continue in office until
54 their successors are appointed and qualified. Vacancies for
55 any unexpired term shall be filled by the board of supervisors.

56 Sec. 5. Each county medical examiner shall be licensed in
57 Iowa as a doctor of medicine and surgery, as a doctor of osteo-
58 pathic medicine and surgery, or as an osteopathic physician.
59 He shall be appointed by the board of supervisors from lists
60 of two or more names submitted by the medical society and the
61 osteopathic society of the county in which he is a resident.
62 If names are not submitted by either society, the board of
63 supervisors may appoint any licensed physician, osteopathic
64 physician and surgeon, or osteopathic physician of the county
65 If such qualified physician of the county will not serve, the
66 board of supervisors may appoint a physician from another
67 county. If a county medical examiner is unable to serve in
68 any particular case or for any period of time, he shall promptly
69 notify the chairman of the board of supervisors who shall then
70 designate some other qualified physician to serve in his place.

71 Sec. 6. The county medical examiner shall take an oath of
72 office as prescribed by Article eleven (11), section five (5),
73 of the Constitution of Iowa and shall post bond with the county
74 auditor in an amount to be fixed by the board of supervisors.

75 Sec. 7. The board of supervisors of each county may pro-
76 vide such laboratory facilities, deputy medical examiners, and
77 other professional, technical, and clerical assistance as
78 may be required by the county medical examiner in the per-
79 formance of the duties imposed by this Act. However, such
80 requirements shall be subject to prior approval by the state
81 medical examiner.

82 Sec. 8. The death of any person shall be reported to
83 the county medical examiner or state medical examiner by the
84 physician in attendance, by any law enforcement officer having
85 knowledge of such death, by the embalmer, or by any other per-
86 son present, if the deceased shall have died in the manner
87 specified in section ten (10) of this Act. The appropriate
88 medical examiner shall notify the proper law enforcement offi-
89 cers and take charge of the body. The county medical examiner
90 shall also make inquiries regarding the cause and manner of
91 death, reduce his findings to writing, promptly make a full
92 report thereof to the state medical examiner on forms prescribed
93 for such purpose, and deliver a copy of said report to the
94 county attorney of his county. For each such preliminary in-
95 vestigation, including the making of the required reports, the
96 county medical examiner shall receive a fee as set by the board
97 of supervisors, plus his actual expenses, to be paid by the
98 county for which the service was performed.

99 Sec. 9. Every person who knows of the existence of a
100 body where death occurred in the manner specified in section
101 ten (10) of this Act, shall notify the county or state medical
102 examiner or the proper law enforcement officer thereof as

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103 soon as possible, unless such person shall have good reason
104 to believe that such notice has already been given. Any per-
105 son who shall fail to give such notice to a medical examiner
106 shall be guilty of a public offense, and upon conviction
107 thereof shall be punished by a fine of not more than five
108 hundred dollars or a sentence in the county jail of not more
109 than six months, or by both such fine and imprisonment.

110 Sec. 10. The state medical examiner shall investigate or
111 cause the county medical examiner to investigate human deaths
112 where determination of the cause of death is in the public
113 interest. Deaths affected with the public interest shall in-
114 clude, but not necessarily be limited to, all deaths known or
115 suspected to be of the following types:

116 1. Violent deaths, including homicidal, suicidal, or
117 accidental deaths.

118 2. Deaths caused by thermal, chemical, electrical, or
119 radiation injury.

120 3. Deaths caused by criminal abortion including those
121 self-induced, or by rape, carnal knowledge, or crimes against
122 nature.

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

125 5. Deaths that have occurred unexpectedly, or from un-
126 explained causes.

127 6. Deaths of persons confined in any prison, jail, or
128 correctional institution.

129 7. Deaths of persons where a physician was not in atten-
130 dance at any time at least thirty-six hours preceding death,
131 with the exception of prediagnosed terminal or bedfast cases
132 for which the time period shall be extended to twenty days.

133 8. Deaths of persons where the bodies are not claimed by
134 relatives or friends.

135 9. Deaths of all persons wherein the identity of the
136 deceased is unknown.

137 Sec. 11. The county medical examiner shall investigate
138 each death occurring in the manner specified in section ten
139 (10) of this Act, and report each case to the state medical
140 examiner. The county medical examiner shall conduct such in-
141 vestigation as may be required by the state medical examiner
142 and shall determine whether or not the public interest re-
143 quires an autopsy or other special investigation. In his
144 determination of the need for an autopsy, the county medical
145 examiner may consider the requests for an autopsy made by
146 private persons or public officials, except that the state
147 medical examiner or the county attorney of the county where
148 the death occurred may require an autopsy.

149 Sec. 12. A complete record of the findings of a person
150 making an autopsy shall be promptly made and filed in the
151 office of the state medical examiner and the county attorney
152 for the county where death occurred and the county attorney
153 of the county wherein any injury contributing to or causing
154 death was sustained.

155 Sec. 13. When any death occurs in the manner specified
156 in section ten (10), of this Act, the body shall not be dis-
157 turbed or removed from the position in which it is found by
158 any person without authorization from the county medical ex-
159 aminer or the state medical examiner, except for the purpose
160 of preserving such body from loss or destruction, or permit-
161 ting the passage of traffic on a highway, railroad, or air-
162 port, or if the failure to immediately remove such body might
163 endanger life, safety, or health. It shall be unlawful for
164 any person to move, disturb, or conceal a body in violation
165 of this Act.

166 Sec. 14. Reports of investigations made by the state
167 medical examiner or his designee or by a county medical ex-
168 aminer or his designee, and the records and reports of autop-
169 sies made as provided in this Act, shall be received as evi-
170 dence in any court or other proceedings, except that state-
171 ments by witnesses or other persons and conclusions on ex-
172 traneous matters included within the report are not hereby
173 made admissible. The persons preparing a report or record
174 given in evidence hereunder may be subpoenaed as a witness in
175 any civil or criminal case by any party to the cause. Copies
176 of records, photographs, laboratory findings, and records in
177 the office of the state medical examiner or any medical ex-
178 aminer, when duly attested to by the state medical examiner
179 or one of his staff, or the medical examiner in whose office
180 the same are, shall be received as evidence in any court or
181 other proceedings for any purpose for which the original could
182 be received without proof of the official character of the per-
183 son whose name is signed thereto.

184 Sec. 15. If there is no person entitled by law to any
185 property or money found on a deceased person, it shall be
186 deposited with the clerk of the district court to be held
187 until disposed of according to law.

188 Sec. 16. After an investigation has been completed, in-
189 cluding an autopsy if one is made, the body shall be delivered
190 to the relatives or friends of the deceased person for burial.
191 No medical examiner shall use influence in favor of any par-
192 ticular funeral director. If no person claims a body, it shall
193 be disposed of as provided in chapter one hundred forty-two
194 (142) of the Code.

195 Sec. 17. It shall be unlawful to embalm a body when the
196 embalmer has any reason to believe death occurred in a manner
197 specified in section ten (10) of this Act, or when there is
198 evidence sufficient to arouse suspicion of crime in connection
199 with the cause of death of the deceased, or where it is the
200 duty of a medical examiner to view the body and investigate
201 the death of the deceased person, until the permission of a
202 county medical examiner has been obtained. Whenever feasible,
203 the body shall be released to the funeral director for embalm-
204 ing within twenty-four hours of death.

205 It shall be unlawful to cremate, bury, or send out of the
206 state the body of a deceased person when death occurred in a

207 manner specified in section ten (10) of this Act, until a medi-
208 cal examiner shall certify in writing that he has viewed the
209 body and has made personal inquiry into the cause and manner
210 of death and that all necessary autopsy or postmortem examina-
211 tions have been completed.

212 A fee as set by the board of supervisors shall be paid the
213 county medical examiner for an examination certificate by the
214 person making application therefor, and a copy of such certifi-
215 cate shall be promptly filed by the medical examiner in his
216 office. The certificate of the county medical examiner shall
217 not be required in cases of stillborn infants if a physician
218 was present at the stillbirth and the cause of stillbirth, as
219 certified by the physician according to the provisions of chap-
220 ters one hundred forty-one (141) and one hundred forty-four
221 (144) of the Code is not such as to require an investigation
222 by a medical examiner.

223 Any person violating any of the provisions of this section
224 shall be deemed guilty of a misdemeanor and, upon conviction
225 thereof, shall be fined not more than one thousand dollars or
226 imprisoned in the county jail not more than one year, or by
227 both such fine and imprisonment.

228 Sec. 18. In any case of sudden, violent, or suspicious
229 death after which the body is buried without any investigation
230 or autopsy, the county medical examiner shall, upon being ad-
231 vised of such facts, notify the county attorney. The county
232 attorney shall thereupon apply for a court order requiring
233 the body to be exhumed, in accordance with chapter one hundred
234 forty-one (141) of the Code. Upon receipt of the court order,
235 an autopsy shall be performed by a medical examiner or by a
236 pathologist designated by him and the facts disclosed by such
237 autopsy communicated to the court ordering the disinterment
238 for such action as may be proper.

239 Sec. 19. The commissioner of public safety may accept
240 federal or private funds or grants to aid in the establishment
241 or operation of the state criminalistics laboratory, and the
242 board of regents may accept federal or private funds or grants
243 to aid in the establishment of the position of state medical
244 examiner.

245 Sec. 20. The governor shall by executive order provide for
246 the transfer of any appropriate laboratory facilities, equip-
247 ment, and technical personnel of the state to the state crimi-
248 nalistics laboratory if such transfer will more effectively
249 and efficiently aid the investigation of crime.

250 Sec. 21. Chapter three hundred thirty-nine (339), Code
251 1966, is hereby repealed.

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252 2. Page 1, line 1, by striking the word "crime" and insert-
253 ing in lieu thereof the word "criminalistics".

Filed
February 20, 1970

COMMITTEE ON STATE GOVERNMENT
C. RAYMOND FISHER, Chairman

EXPLANATION OF AMENDMENT

This bill creates a state criminalistics laboratory and a state medical examiner to aid all county medical examiners and law enforcement officials in the detection of crime and the apprehension of criminals. The bill also clarifies the present law concerning unnatural deaths and the duties of county medical examiners.

-
- 1 Amend the committee amendment to Senate File
 - 2 585 by inserting between line 13 and 14 the following:
 - 3 "The Department of Public Safety may promulgate
 - 4 rules and regulations prescribing the services available
 - 5 and the means and manner of transporting materials to
 - 6 and from said laboratory."

Filed - *Last 3/5*
March 4, 1970

JESSE of Polk
KENNEDY of Chickasaw

-
- 1 Amend the committee amendment to Senate
 - 2 File 585 by striking lines 19 through 25 inclusive.

Filed - *Withdrawn 3/5*
March 4, 1970

JESSE of Polk
KENNEDY of Chickasaw

-
- 1 Amend the committee amendment to Senate File
 - 2 585 by striking everything after the period in line 6,
 - 3 all of lines 7 and 8 and the words "ment. The" in
 - 4 line 9, and insert in lieu thereof the word "Such."

Filed - *Last 3/5*
March 4, 1970

KENNEDY of Chickasaw
JESSE of Polk

-
- 1 Amend the committee amendment to Senate File 585
 - 2 by inserting after the period in line 148 the following:
 - 3 "If the county medical examiner is unavailable,
 - 4 the body shall be shipped to the State Criminalistic
 - 5 Laboratory within twenty-four hours of such request,
 - 6 in which case the autopsy shall be performed by the
 - 7 state medical examiner."

Filed - *Last 3/5*
March 4, 1970

JESSE of Polk
KENNEDY of Chickasaw

1 Amend the committee amendment to Senate File
2 585 as follows:

3 1. Line 166 by inserting after the word "investi-
4 gation" the words "or analysis" and by inserting after
5 the word "the" the words " State Criminalistic Laboratory
6 or the"

7 2. Line 169 by inserting after the word "be"
8 the words "provided to any party to litigation involving
9 such reports upon the payment of reasonable copy fees,
10 admissible in any preliminary proceeding without further
11 identification, and"

12 3. Line 173 by inserting after the word "admissible"
13 the words ", provided a person having personal knowledge
14 concerning the basis of such reports or analysis is
15 present and available to identify the same and for
16 cross examination concerning the contents of such reports
17 or analysis."

Filed - *Lost 3/5*
March 4, 1970

KENNEDY of Chickasaw
JESSE of Polk

1 Amend the committee amendment to Senate File 585 as
2 follows:

3 1. By striking all of lines 19, 20, 21, 22, 28,
4 and 29.

5 2. Line 23, by striking the words "six years."

6 3. Line 27, by striking the words "The board
7 of regents".

Offered from the floor and lost
March 5, 1970

JESSE of Polk

FISCAL NOTE
SENATE FILE 585

Date prepared April 1, 1969

Requested by Senator Clarke.

Prepared in regard to a bill for an act relating to a state crime laboratory, a state medical examiner, county medical examiners, and the investigation of unnatural deaths. (As amended by Clarke-Gaudineer amendment to page one (1), line fourteen (14).

Following is the fiscal effect in dollars of the legislative proposal as required by Rule 47:

Estimated cost of operation under Clarke-Gaudineer amendment.

1st year	\$22,000
2nd year	22,000
3rd year	22,000
4th year	22,000
5th year	22,000

Note: The above figures provide for employing one toxicologist, or two forensic chemists. Equipment and additional personnel required are to be provided by the University of Iowa.

Filed
April 3, 1969

GERRY D. RANKIN
Legislative Fiscal Director

- 1 Amend Senate File 585 by inserting on page 1, line 14, after
- 2 the word, "investigations," the words, "within the capabilities of
- 3 the appropriation made by the General Assembly for the use of the
- 4 state crime laboratory,".

Filed - *Adopted 4-22*
April 3, 1969

By CLARKE and GAUDINEER

- 1 Amend Senate File 585 by inserting in page 6, line 15, after
- 2 the word "matters" the words "included within the report".

Filed - *Adopted 4-22*
April 16, 1969

By CLARKE