

REPRINTED

SENATE FILE **2359**
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO SF 456)

Passed Senate, Date ^(P.875) 3-19-96 Passed House, Date 4/18/96
Vote: Ayes 50 Nays 0 Vote: Ayes 93 Nays 0
Approved 4/18/96

A BILL FOR

1 An Act relating to the source of payment of the fee and expenses
2 of a county medical examiner related to services provided for
3 a person whose death affects the public interest.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

5
6
7

~~SENATE FILE 2359~~

S-5402

1 Amend Senate File 2359 as follows:
2 1. Page 1, by striking lines 26 through 35 and
3 inserting the following:
4 "Sec. . NEW SECTION. 910.3A NOTIFICATION OF A
5 HOMICIDE VICTIM'S COUNTY OF RESIDENCE.
6 The county attorney of a county in which a judgment
7 of conviction and sentence under section 707.2, 707.3,
8 707.4, 707.5, or 707.6A is rendered against a
9 defendant relating to a person's death, shall notify
10 in writing the clerk of the district court of the
11 county of the person's residence. Such notification
12 shall be for the purpose of the county of the person's
13 residence recovering from the defendant the fee and
14 expenses incurred investigating the person's death
15 pursuant to section 331.802, subsection 2."

By SHELDON RITTMER

20 S-5402 FILED MARCH 19, 1996 ^(P.875)
21 ADOPTED 3-19-96

22
23

S.F. 2359

DECEMBER 1997

1 Section 1. Section 331.802, subsection 2, Code 1995, is
2 amended to read as follows:
3 2. If a person's death affects the public interest, the
4 county medical examiner shall conduct a preliminary
5 investigation of the cause and manner of death, prepare a
6 written report of the findings, promptly submit the full
7 report to the state medical examiner on forms prescribed for
8 that purpose, and submit a copy of the report to the county
9 attorney. For each preliminary investigation and the
10 preparation and submission of the required reports, the county
11 medical examiner shall receive a fee determined by the board
12 plus the examiner's actual expenses. The fee and expenses
13 shall be paid by the county ~~for which the service is provided~~
14 of the person's residence. However, if the person's death is
15 caused by a defendant for whom a judgment of conviction and
16 sentence is rendered under section 707.2, 707.3, 707.4, 707.5,
17 or 707.6A, the county of the person's residence may recover
18 from the defendant the fee and expenses. The fee and expenses
19 of the county medical examiner who performs an autopsy or
20 conducts an investigation of a person who dies after being
21 brought into this state for emergency medical treatment by or
22 at the direction of an out-of-state law enforcement officer or
23 public authority shall be paid by the state. A claim for
24 payment shall be filed with the Iowa department of public
25 health.

26 Sec. 2. Section 912.14, Code 1995, is amended to read as
27 follows:
28 912.14 VICTIM COMPENSATION FUND.
29 A victim compensation fund is established as a separate
30 fund in the state treasury. Moneys deposited in the fund
31 shall be administered by the department and dedicated to and
32 used for the purposes of section sections 331.802 and 709.10
33 and this chapter. Notwithstanding section 8.33, any balance
34 in the fund on June 30 of any fiscal year shall not revert to
35 the general fund of the state.

EXPLANATION

1
2 This bill provides for payment of the fee and expenses of
3 the county medical examiner of the preliminary investigation
4 and preparation of required reports relating to a person's
5 death which affects the public interest, by the county of
6 residence of the person or by the victim compensation fund if
7 the person is a victim of murder, manslaughter, or vehicular
8 homicide. The county may also recover the medical examiner's
9 costs from the defendant if the defendant is convicted of
10 murder, manslaughter, or vehicular homicide. The bill also
11 provides a conforming change to allow for expenditure of
12 moneys in the victim compensation fund for the purpose
13 established in the bill.

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

1 Section 1. Section 331.802, subsection 2, Code 1995, is
2 amended to read as follows:

3 2. If a person's death affects the public interest, the
4 county medical examiner shall conduct a preliminary
5 investigation of the cause and manner of death, prepare a
6 written report of the findings, promptly submit the full
7 report to the state medical examiner on forms prescribed for
8 that purpose, and submit a copy of the report to the county
9 attorney. For each preliminary investigation and the
10 preparation and submission of the required reports, the county
11 medical examiner shall receive a fee determined by the board
12 plus the examiner's actual expenses. The fee and expenses
13 shall be paid by the county ~~for which the service is provided~~
14 of the person's residence. However, if the person's death is
15 caused by a defendant for whom a judgment of conviction and
16 sentence is rendered under section 707.2, 707.3, 707.4, 707.5,
17 or 707.6A, the county of the person's residence may recover
18 from the defendant the fee and expenses. The fee and expenses
19 of the county medical examiner who performs an autopsy or
20 conducts an investigation of a person who dies after being
21 brought into this state for emergency medical treatment by or
22 at the direction of an out-of-state law enforcement officer or
23 public authority shall be paid by the state. A claim for
24 payment shall be filed with the Iowa department of public
25 health.

26 Sec. 2. NEW SECTION. 910.3A NOTIFICATION OF A HOMICIDE
27 VICTIM'S COUNTY OF RESIDENCE.

28 The county attorney of a county in which a judgment of
29 conviction and sentence under section 707.2, 707.3, 707.4,
30 707.5, or 707.6A is rendered against a defendant relating to a
31 person's death, shall notify in writing the clerk of the
32 district court of the county of the person's residence. Such
33 notification shall be for the purpose of the county of the
34 person's residence recovering from the defendant the fee and
35 expenses incurred investigating the person's death pursuant to

1 section 331.802, subsection 2.

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

SENATE FILE 2359

AN ACT

RELATING TO THE SOURCE OF PAYMENT OF THE FEE AND EXPENSES
OF A COUNTY MEDICAL EXAMINER RELATED TO SERVICES
PROVIDED FOR A PERSON WHOSE DEATH AFFECTS THE PUBLIC
INTEREST.

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

Section 1. Section 331.802, subsection 2, Code 1995, is amended to read as follows:

2. If a person's death affects the public interest, the county medical examiner shall conduct a preliminary investigation of the cause and manner of death, prepare a written report of the findings, promptly submit the full report to the state medical examiner on forms prescribed for that purpose, and submit a copy of the report to the county attorney. For each preliminary investigation and the preparation and submission of the required reports, the county medical examiner shall receive a fee determined by the board plus the examiner's actual expenses. The fee and expenses shall be paid by the county ~~for which the service is provided of the person's residence.~~ However, if the person's death is caused by a defendant for whom a judgment of conviction and sentence is rendered under section 707.2, 707.3, 707.4, 707.5, or 707.6A, the county of the person's residence may recover from the defendant the fee and expenses. The fee and expenses of the county medical examiner who performs an autopsy or conducts an investigation of a person who dies after being brought into this state for emergency medical treatment by or at the direction of an out-of-state law enforcement officer or public authority shall be paid by the state. A claim for payment shall be filed with the Iowa department of public health.

Sec. 2. NEW SECTION. 910.3A NOTIFICATION OF A HOMICIDE VICTIM'S COUNTY OF RESIDENCE.

The county attorney of a county in which a judgment of conviction and sentence under section 707.2, 707.3, 707.4, 707.5, or 707.6A is rendered against a defendant relating to a person's death, shall notify in writing the clerk of the district court of the county of the person's residence. Such notification shall be for the purpose of the county of the person's residence recovering from the defendant the fee and expenses incurred investigating the person's death pursuant to section 331.802, subsection 2.

LEONARD L. BOSWELL
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2359, Seventy-sixth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved 4/18, 1996

TERRY E. BRANSTAD
Governor