

Senate Study Bill 3040 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
PUBLIC SAFETY BILL)

A BILL FOR

1 An Act relating to a death affecting the public interest and
2 reporting requirements of county medical examiners.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 22.7, subsection 41, Code 2020, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *d.* Information obtained pursuant to section
4 331.802, subsection 4, paragraph "b", may only be released for
5 statistical purposes provided individual identities are not
6 ascertainable.

7 Sec. 2. Section 331.802, subsection 3, Code 2020, is amended
8 by adding the following new paragraph:

9 NEW PARAGRAPH. *1.* Death of a driver involved in a motor
10 vehicle accident.

11 Sec. 3. Section 331.802, subsection 4, Code 2020, is amended
12 to read as follows:

13 4. The county medical examiner shall conduct the
14 investigation in the manner required by the state medical
15 examiner and shall determine whether the public interest
16 requires an autopsy or other special investigation. ~~However,~~
17 if Notwithstanding this paragraph:

18 a. If the death occurred in the manner specified in
19 subsection 3, paragraph "j", the county medical examiner shall
20 order an autopsy, claims for the payment of which shall be
21 filed with the state appeal board and, if authorized by the
22 board, shall be paid out of moneys in the general fund of
23 the state not otherwise appropriated. In determining the
24 need for an autopsy, the county medical examiner may consider
25 the request for an autopsy from a public official or private
26 person, but the state medical examiner or the county attorney
27 of the county where the death occurred may require an autopsy.

28 b. If the death occurred in the manner specified in
29 subsection 3, paragraph "l", the county medical examiner
30 shall withdraw a sample of the decedent's blood and provide
31 the sample to the Iowa division of criminal investigation
32 criminalistics laboratory. The Iowa division of criminal
33 investigation criminalistics laboratory shall test the sample
34 for the purpose of determining the alcohol concentration
35 or presence of a controlled substance or other drugs, or

1 any combination thereof, in the decedent's blood. The Iowa
2 division of criminal investigation criminalistics laboratory
3 shall retain this information for statistical purposes.

4 EXPLANATION

5 The inclusion of this explanation does not constitute agreement with
6 the explanation's substance by the members of the general assembly.

7 This bill classifies the death of a driver involved in
8 a motor vehicle accident as a death affecting the public
9 interest. The bill requires a county medical examiner to
10 withdraw a sample of blood from a deceased driver involved in
11 a motor vehicle accident and provide the sample to the Iowa
12 division of criminal investigation criminalistics laboratory.
13 The bill requires the Iowa division of criminal investigation
14 criminalistics laboratory to test the sample for the purpose
15 of determining the alcohol concentration or presence of
16 a controlled substance or other drugs, or any combination
17 thereof, in the decedent's blood. The bill directs the Iowa
18 division of criminal investigation criminalistics laboratory
19 to retain the results of the testing for statistical purposes.
20 Information obtained under the bill shall only be released as a
21 public record for statistical purposes if individual identities
22 are not ascertainable.