

CHAPTER 258

COUNTY MEDICAL EXAMINERS

H. F. 260

AN ACT to repeal chapter three hundred thirty-nine (339), Code 1958, and to amend various other sections of the Code relating to coroners, 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 examiner, his qualifications, powers, duties and functions and a central office and laboratory; to provide for the appointment of county medical examiners, their qualifications, powers, duties and functions.

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

1 SECTION 1. Chapter three hundred thirty-nine (339), Code 1958,
2 is hereby repealed, effective January 1, 1961, and the following
3 enacted in lieu thereof:

4 "1. The board of supervisors of each county of the state shall
5 appoint a medical examiner for its respective county who shall take
6 office on the second secular day of January, 1961, and each two years
7 thereafter, to hold office for a term of two years and until his suc-
8 cessor has been appointed and qualifies. Vacancies for any unex-
9 pired term shall be filled by the appropriate board of supervisors.

10 "2. Each county medical examiner shall be licensed in Iowa as a
11 doctor of medicine and surgery, or licensed in Iowa as an osteo-
12 pathic physician or osteopathic physician and surgeon as defined by
13 law. He shall be appointed by the board of supervisors from lists of
14 two or more names submitted by the component medical society and
15 the osteopathic society of the county in which he is a resident. If
16 no list of names is submitted by either society, the board of super-
17 visors shall appoint a county medical examiner from the licensed
18 doctors of medicine, or licensed osteopathic physicians or osteo-
19 pathic physicians and surgeons of the county. If no qualified ap-
20 pointee can be found in the county, the board of supervisors shall
21 appoint the medical examiner from another county.

22 "If, for good cause, a county medical examiner is unable to serve
23 in any particular case or for any period of time, he shall promptly
24 notify the chairman of the board of supervisors who shall then desig-
25 nate some other qualified person to serve in his place.

26 "3. The county medical examiner shall take the oath of office
27 prescribed by section five (5), of Article eleven (XI), of the Con-
28 stitution of the state of Iowa and shall enter into bond with the
29 county auditor in an amount to be fixed by the board of supervisors.

30 "4. On or after the second secular day of January, 1961, the death
31 of any person shall be reported to the county medical examiner by
32 the physician in attendance, by any law-enforcement officer having
33 knowledge of such death, by the embalmer, or by any other person
34 present, if the deceased shall have died:

- 35 a. From violence.
36 b. Suddenly, when in apparent health.
37 c. When unattended by a physician during the period of thirty-six
38 (36) hours immediately preceding his death.
39 d. As a result of or following an abortion.
40 e. While in custody of the law.

41 f. In an accident in a gypsum or coal mine.

42 g. In a suspicious, unusual or unnatural manner.

43 h. From a disease which might constitute a threat to public health.

44 "5. Upon receipt of such notice the county medical examiner shall
45 take charge of the dead body, make inquiries regarding the cause and
46 manner of death, reduce his findings to writing on forms provided
47 by the commissioner of public health for such purpose, and deliver
48 the original of such form to the county attorney, retaining one copy
49 for his own use, and forwarding another copy to the criminal inves-
50 tigation division of the state department of public safety.

51 "For each such preliminary investigation, including the making of
52 the required reports, the county medical examiner shall receive a fee
53 of fifteen dollars (\$15.00), plus his actual expenses, to be paid by the
54 county for which he is appointed.

55 "6. If, in the opinion of the county medical examiner, an autopsy
56 examination is advisable and in the public interest, such autopsy shall
57 be performed. The autopsy may be made by the county medical
58 examiner or by such competent pathologist as he may designate.

59 "A full record and report of the facts developed by the autopsy
60 and findings of the person making such autopsy shall be made
61 promptly and filed with the county medical examiner and in the office
62 of the county attorney. Pertinent information embodied therein shall
63 be furnished forthwith to the appropriate state department or agency
64 by the county medical examiner.

65 "7. In any case of sudden, violent or suspicious death after which
66 the body was buried without any investigation or autopsy, it shall
67 be the duty of the county medical examiner, upon being advised of
68 such facts, to notify the county attorney. The county attorney shall
69 thereupon apply for a court order requiring the body to be exhumed,
70 in accordance with chapter one hundred forty-one (141), Code 1958.
71 Upon receipt of the court order an autopsy shall be performed by
72 the county medical examiner or by a pathologist designated by him
73 and the pertinent facts disclosed communicated to the court order-
74 ing the disinterment for such action as it deems proper.

75 "8. Each county board of supervisors is hereby authorized to pro-
76 vide or arrange, and pay for, such laboratory facilities, such deputy
77 medical examiner or examiners and such other professional, tech-
78 nical, and clerical assistance as may be recommended and required
79 by the county medical examiner in the performance of the duties
80 imposed by this chapter.

81 "9. Reports of investigations made by the county medical exam-
82 iner or his assistants, and records and reports of autopsies made
83 under the authority of this chapter, shall be received as evidence in
84 any court or other proceedings, except that statements by witnesses
85 or other persons and conclusions upon extraneous matters are not
86 hereby made admissible. The person preparing a report or record
87 given in evidence hereunder may be subpoenaed as a witness, in any
88 civil or criminal case, by any party to the cause. Copies of records,
89 photographs, laboratory findings, and records in the office of the
90 county medical examiner, when duly attested by the examiner in
91 whose office they are filed, shall be received as evidence in any court
92 or other proceedings for any purpose for which the original could be

93 received without proof of the official character of the person whose
94 name is signed thereto.

95 "10. After an investigation has been completed, including an
96 autopsy if one is made, the dead body shall be delivered to the rela-
97 tives or friends of the deceased person for burial. In no case shall
98 the county medical examiner use his influence in favor of any par-
99 ticular funeral director but should assist the family or friends to the
100 end that their wishes are respected. If no person claims the body, it
101 shall be disposed of in accordance with chapter one hundred forty-
102 two (142), Code 1958.

103 "11. Any property or money found with, or upon the person of
104 the deceased, if there be no person entitled by law to such money or
105 property, shall be turned over by the county medical examiner to the
106 clerk of the district court, to be held until disposed of according to
107 law.

108 "12. It shall be unlawful to embalm a human body when any fact
109 within the knowledge, or brought to the attention of, the embalmer,
110 is sufficient to arouse suspicion of crime in connection with the cause
111 of death of the deceased, until the permission of the county medical
112 examiner has been first obtained. In any case where it is the duty of
113 the county medical examiner to view the body and investigate the
114 death of a deceased person under the applicable provisions of this
115 Act, it shall be unlawful to embalm the said body until the permission
116 of the county medical examiner has first been obtained.

117 "It shall be unlawful to cremate the dead body of any person until
118 the county medical examiner shall have certified in writing that he
119 has made personal inquiry into the cause and manner of death and is
120 of the opinion that no further examination or judicial inquiry con-
121 cerning the same is necessary. A fee of ten dollars (\$10.00) shall be
122 paid the county medical examiner for such certificate by the person
123 making application therefor, and a copy of such certificate shall be
124 promptly filed by the county medical examiner in his office. This
125 certificate by the county medical examiner shall not be required in
126 case of stillborn infants if a physician was present at the stillbirth
127 and the cause of stillbirth as certified by him according to the pro-
128 visions of chapters one hundred forty-one (141) and one hundred
129 forty-four (144), Code 1958, is not such as to require an investiga-
130 tion by the county medical examiner as provided by law.

131 "Any person violating any of the provisions of this section shall be
132 deemed guilty of a misdemeanor, and, upon conviction thereof, shall
133 be fined not less than twenty-five dollars (\$25.00), nor more than one
134 hundred dollars (\$100.00)."

1 SEC. 2. Section thirty-nine point seventeen (39.17), Code 1958,
2 is amended by striking from lines four (4) and five (5) the follow-
3 ing: "a county attorney, and a coroner," and substituting in lieu
4 thereof "and a county attorney,".

1 SEC. 3. Section sixty-four point eight (64.8), Code 1958, is
2 amended by striking from lines three (3) and four (4) the follow-
3 ing: "coroners,".

1 SEC. 4. Section eighty-two point one hundred sixteen (82.116),
2 Code 1958, is amended by striking from line five (5) the word
3 "coroner" and substituting the words "medical examiner".

1 SEC. 5. Section eighty-three point thirteen (83.13), Code 1958,
2 is amended by striking from line six (6) the word "coroner" and
3 substituting in lieu thereof the words "medical examiner".

1 SEC. 6. Section one hundred forty-one point five (141.5), Code
2 1958, is amended by striking from line seven (7) the word "coroner"
3 and substituting the words "county medical examiner".

1 SEC. 7. Section one hundred forty-one point six (141.6), Code
2 1958, is amended by striking from line four (4) the word "coroner"
3 twice appearing, and substituting in lieu thereof in both places the
4 words "county medical examiner".

1 SEC. 8. Section one hundred forty-one point fifteen (141.15),
2 Code 1958, is amended by striking from line five (5) the word
3 "coroner's" and substituting the words "county medical examiner's".

1 SEC. 9. Section one hundred forty-one point twenty-four
2 (141.24), Code 1958, is amended by striking from line four (4) the
3 following: "coroner".

1 SEC. 10. Section one hundred forty-two point three (142.3), Code
2 1958, is amended by striking from line one (1) the word "coroner"
3 and substituting the words "county medical examiner".

1 SEC. 11. Section two hundred twenty-two point thirty-seven
2 (222.37), Code 1958, is amended by striking from lines three (3)
3 and four (4) the words "a coroner's inquest" and substituting the
4 words "an investigation by the county medical examiner".

1 SEC. 12. Section two hundred twenty-six point thirty-four
2 (226.34), Code 1958, is amended by striking from line one (1) the
3 words "A coroner's inquest" and substituting the* the words "An in-
4 vestigation by the county medical examiner".

1 SEC. 13. Section two hundred thirty-eight point twenty-four
2 (238.24), Code 1958, is amended by striking from line ten (10) the
3 following: "in a coroner's inquest," and inserting after the word
4 and comma "assembly," in line twelve (12) the following: "medical
5 examiners,".

1 SEC. 14. Section three hundred twenty-one point two hundred
2 seventy (321.270), Code 1958, is hereby repealed.

1 SEC. 15. Section three hundred thirty-three point eleven (333.11),
2 Code 1958, is amended by striking subsection five (5) from the sec-
3 tion and substituting the following subsection:

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

1 SEC. 16. Section three hundred forty point nineteen (340.19),
2 Code 1958, is hereby repealed.

1 SEC. 17. Section three hundred forty-one point one (341.1), Code
2 1958, is amended by striking from line three (3) the following:
3 "coroner,".

*According to enrolled Act.

1 SEC. 18. Section three hundred forty-three point three (343.3),
2 Code 1958, is amended by striking from line two (2) the following:
3 "coroner,".

1 SEC. 19. Section three hundred forty-three point four (343.4),
2 Code 1958, is amended by striking from line two (2) the following:
3 "coroner,".

1 SEC. 20. Section three hundred sixty-eight point six (368.6),
2 Code 1958, is amended by striking from line seven (7) of subsection
3 five (5) the following: "coroners,".

1 SEC. 21. Section six hundred twenty-two point sixty-three
2 (622.63), Code 1958, is amended by striking from line eight (8) the
3 following: "coroner,".

1 SEC. 22. Section seven hundred nine point nine (709.9), Code
2 1958, is amended by striking from line five (5) the following:
3 "coroner," and substituting in lieu thereof the following: "county
4 medical examiner,".

1 SEC. 23. Section seven hundred thirty-nine point nine (739.9),
2 Code 1958, is amended by striking from line one (1) the following:
3 "coroner,".

1 SEC. 24. Section seven hundred forty point five (740.5), Code
2 1958, is amended by striking from line six (6) the following:
3 "coroner,".

1 SEC. 25. Section seven hundred forty point six (740.6), Code
2 1958, is amended by striking from line three (3) the following:
3 "coroner,".

1 SEC. 26. Section seven hundred forty-two point three (742.3),
2 Code 1958, is amended by striking from line three (3) the following:
3 "coroner,".

1 SEC. 27. Section eighty-five A point nineteen (85A.19), Code
2 1958, is amended by striking from line eight (8) the word "coroner"
3 and substituting in lieu thereof the words "medical examiner".

1 SEC. 28. The coroners elected for the terms of January 1, 1959,
2 to January 1, 1961, shall complete their terms and duties as pre-
3 scribed by law and commencing January 1, 1961, the provisions of
4 this Act shall govern.

1 SEC. 29. All acts and parts of acts, both general and special, in-
2 cluding charters of cities and towns, inconsistent with the provisions
3 of this Act, are hereby repealed to the extent of the inconsistency.

Approved April 23, 1959.