

No. 1990-152

AN ACT

HB 1221

Amending the act of August 9, 1955 (P.L.323, No.130), entitled "An act relating to counties of the third, fourth, fifth, sixth, seventh and eighth classes; amending, revising, consolidating and changing the laws relating thereto," further providing for ambulances and coroners; and making an editorial change.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 1234 of the act of August 9, 1955 (P.L.323, No.130), known as The County Code, is amended to read:

Section 1234. Ambulance.—In each county [**having a county morgue**], the county commissioners may furnish and maintain, from the general funds of the county, an ambulance for the removal of bodies of deceased persons to and from the morgue, and for the burial of unclaimed bodies. The coroner may provide rules and regulations for the use and maintenance of the ambulance.

Section 2. The act is amended by adding a section to read:

Section 1236.1. Requests for Examinations and Reports.—
(a) Requests for examinations or other professional services by other counties or persons may be complied with at the discretion of the coroner pursuant to guidelines established by the county commissioners.

(b) A set of fees and charges for such examinations or professional services shall be established by the coroner, subject to approval by the county commissioners, and shall be accounted for and paid to the county treasurer pursuant to section 1760. Payment for examinations or professional services shall be the responsibility of the county or person requesting such services.

(c) The coroner may charge and collect a fee of up to one hundred dollars (\$100) for each autopsy report, up to fifty dollars (\$50) for each toxicology report, up to fifty dollars (\$50) for each inquisition or coroner's report and such other fees as may be established from time to time for other reports and documents requested by nongovernmental agencies. The fees collected shall be accounted for and paid to the county treasurer pursuant to section 1760 and shall be used to defray the expenses involved in the county complying with the provisions of the act of March 2, 1988 (P.L.108, No.22), referred to as the Coroners' Education Board Law.

Section 3. Sections 1237, 1238, 1239, 1240 and 1245 of the act are amended to read:

Section 1237. Coroner's Investigations.—**(a) The coroner having a view of the body shall investigate the facts and circumstances concerning deaths which appear to have happened within the county, regardless where the cause thereof may have occurred, for the purpose of determining whether or not an autopsy should be conducted or an inquest thereof should be had,**

in the following cases: [(1) Any sudden, as hereafter defined, violent or suspicious death, (2) any death wherein no cause of death is properly certified by a person duly authorized therefor, (3) any death resulting from a mine accident, as directed by law, (4) deaths resulting from drownings, cave-ins and subsidences, (5) any stillbirth, or the death of any baby dying within twenty-four hours after its birth, and, in addition thereto, (6) the death of any prematurely born infant, wherein the cause of death is not properly certified by a person duly authorized therefor.

The purpose of the investigation shall be to determine whether or not there is any reason sufficient to the coroner to believe that any such death may have resulted from the criminal acts or criminal neglect of persons other than the deceased, rather than from natural causes or by suicide.]

(1) sudden deaths not caused by readily recognizable disease, or wherein the cause of death cannot be properly certified by a physician on the basis of prior (recent) medical attendance;

(2) deaths occurring under suspicious circumstances, including those where alcohol, drugs or other toxic substances may have had a direct bearing on the outcome;

(3) deaths occurring as a result of violence or trauma, whether apparently homicidal, suicidal or accidental (including, but not limited to, those due to mechanical, thermal, chemical, electrical or radiational injury, drowning, cave-ins and subsidences);

(4) any death in which trauma, chemical injury, drug overdose or reaction to drugs or medication or medical treatment was a primary or secondary, direct or indirect, contributory, aggravating or precipitating cause of death;

(5) operative and peri-operative deaths in which the death is not readily explainable on the basis of prior disease;

(6) any death wherein the body is unidentified or unclaimed;

(7) deaths known or suspected as due to contagious disease and constituting a public hazard;

(8) deaths occurring in prison or a penal institution or while in the custody of the police;

(9) deaths of persons whose bodies are to be cremated, buried at sea or otherwise disposed of so as to be thereafter unavailable for examination;

(10) sudden infant death syndrome; and

(11) stillbirths.

(b) The purpose of the investigation shall be to determine the cause of any such death and to determine whether or not there is sufficient reason for the coroner to believe that any such death may have resulted from criminal acts or criminal neglect of persons other than the deceased.

(c) As part of this investigation, the coroner shall determine the identity of the deceased and notify the next of kin of the deceased.

Section 1238. [Inquest; Autopsy; Coroner's Duties; Records.—If, upon the investigation by the coroner, he shall not be satisfied thereby that the death resulted from natural causes, or by suicide, he shall proceed to conduct an inquest upon a view of the body as provided by law. In the conduct of the

inquest, the coroner may require such an autopsy as may be necessary in accordance with law. At the inquest the coroner's duty shall be to ascertain the cause of death and whether any person other than the deceased was criminally responsible therefor by act or neglect, and, if so, the identity of the person and any further evidence and witnesses regarding the crime. The proceedings at the inquest shall be recorded, at the expense of the county, in a manner to be provided by the county commissioners, and any salary that may be required for this purpose shall be fixed by the salary board.] *Autopsy; Inquest; Records.*—(a) *If, upon investigation, the coroner shall be unable to determine the cause and manner of death, he shall perform or order an autopsy on the body.*

(b) *If the coroner is unable to determine the cause and manner of death following the autopsy, he may conduct an inquest upon a view of the body, as provided by law. At the inquest, the coroner's duty shall be to ascertain the cause of death, to determine whether any person other than the deceased was criminally responsible therefor by act or neglect, and if so, the identity of the person, and to examine any further evidence and witnesses regarding the cause of death.*

(c) *The proceedings at the inquest shall be recorded, at the expense of the county, in a manner to be provided by the county commissioners.*

Section 1239. Sudden Deaths Defined.—The coroner shall regard any death as sudden if it occurs without prior medical attendance by a person who may lawfully execute a certificate of death in this Commonwealth, or if, within twenty-four hours of death, the decedent was discharged from such medical attendance or a change of such medical attendance had occurred, or if any such medical attendance began within twenty-four hours of death and the medical attendant refuses or is unable to certify the cause of death. Medical attendance includes hospitalization.

The provisions of this section shall not be construed to affect the coroner's discretion as to whether or not any death was suspicious, nor shall they be construed to authorize a coroner to investigate a sudden death any further than necessary to [convince him that the death was from natural causes and not from any criminal act or neglect of another] *determine the cause and manner of death.*

Section 1240. Bodies not to be Moved.—In all cases where the coroner has jurisdiction to investigate the facts and circumstances of death, the body and its surroundings shall be left untouched until the coroner has had a view thereof [and] or until he shall otherwise direct or authorize, except as may be otherwise provided by law, or as circumstances may require. Bodies upon a public thoroughfare or in other places may be removed so much as is necessary for precaution against traffic accidents or other serious consequences which might reasonably be anticipated if they were left intact.

Section 1245. Power of Subpoena and Attachment.—The coroner shall have power to issue subpoenas to obtain the attendance of any person whom it may be necessary to examine as a witness at any inquest, and to compel attendance by attachment in like manner and to the same extent as any court of [oyer and terminer and general jail delivery] *common pleas* of this Com-

monwealth may or can do in cases pending before them, and also to compel in like manner the production of all papers and other things relative to such inquest. Such subpoena and attachment shall be served and executed by the sheriff or by the coroner himself or his deputy, as the case may require.

Section 4. The act is amended by adding sections to read:

Section 1245.1. Inquests; Juries.—(a) The coroner may at his discretion summon a jury of six to be selected from the jury panels of the court of common pleas.

(b) The function of such jury shall be to determine the manner of death and whether any criminal act or neglect of persons known or unknown caused such death. Such jury shall be paid as provided by law as if they were serving the court of common pleas.

Section 1253. Anatomical Gifts.—The coroner may order the removal of parts of a decedent's body for donation purposes in accordance with 20 Pa.C.S. Ch. 86 (relating to anatomical gifts).

Section 5. This act shall take effect in 60 days.

APPROVED—The 29th day of November, A. D. 1990.

ROBERT P. CASEY