

authorized in paragraph one, the county auditor shall make an additional annual special county school tax levy upon all the taxable property in the county of not to exceed two mills or ~~\$425,000~~ \$475,000 or whichever is the larger or so much thereof as the county board of education for the unorganized school territory shall determine to be necessary to produce not exceeding ~~\$4,000,000~~ \$4,500,000 in taxes, which amount shall be used for school building construction, remodeling and repair, or the payment of interest and principal on school building bonds, and not to exceed \$50,000 thereof, may be expended for teachers' salaries or other current school expenses.

Sec. 2. *The provisions of this act shall become effective only after their approval by the majority of the members of the county board of commissioners of St. Louis county, and a majority of the members of the county board of education for the unorganized school territory of St. Louis county, and upon compliance with the provisions of Minnesota Statutes, Section 645.021.*

Approved May 23, 1963.

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#### CHAPTER 848—S. F. No. 1483

[Not Coded]

*An act creating and establishing the office of the county medical examiner in Hennepin county, permitting county option in the establishment of such office, prescribing the manner of appointment and the duties of the county medical examiner, providing for the employees in such office and abolishing the office of coroner in such county.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Hennepin county; medical examiner.** Subdivision 1. Upon a majority vote of the board of county commissioners of Hennepin County, the office of County Medical Examiner may be created and established in said county as hereinafter provided, and also upon a majority vote of the board of county commissioners of Hennepin County, the office of County Coroner may be abolished.

Subd. 2. The board of county commissioners of such county shall designate three duly licensed physicians who shall

**Changes or additions indicated by italics, deletions by ~~strikeout~~.**

constitute a Medical Examiner Board. One of such physicians shall be a dean of a Class A medical school as designated by the American Medical Association or a professor of the Department of Pathology in any such medical school, one shall be a member of the Minnesota State Association of Clinical Pathologists. The third member shall be submitted for designation by the Hennepin County Medical Association from its membership. The Medical Examiner Board shall accept and consider applications from doctors of medicine who shall be graduates of a medical school recognized by the American Medical Association and who are members of good standing in the medical profession for appointment to the office of County Medical Examiner and shall rank the applicants such board deems qualified according to the board's opinion of their qualifications and shall submit to the board of county commissioners of such county a report containing the names of the three highest ranked applicants, together with a summary of the qualifications of each. The board of county commissioners shall appoint one of the applicants named in such report as County Medical Examiner for a term of four years from the date of such appointment, on a full or part time basis. The County Medical Examiner shall be paid such compensation as the board of county commissioners shall prescribe not to exceed \$12,000 annually. Any reappointment to the office of County Medical Examiner shall be made at least 90 days prior to the expiration of the term of such office. Any appointment, other than temporary, to the office of County Medical Examiner shall be made by the board of county commissioners as herein provided. The necessary expenses of the Medical Examiner Board shall be paid on order of the board of county commissioners of said county.

Subd. 3. In the event of a vacancy in the office of County Medical Examiner, the board of county commissioners shall immediately designate a temporary appointee to act until a successor is named and has qualified. The temporary appointee shall receive such compensation as the board of county commissioners may prescribe. The successor County Medical Examiner shall be appointed for the unexpired term of such office.

Subd. 4. The County Medical Examiner shall, before entering upon the duties of his office, give bond to the county, to be approved by the board of county commissioners, in such sum not less than \$1,000 nor more than \$10,000 as such board may require, conditioned for the faithful discharge of the duties of his office, which bond together with his oath of office shall be filed and recorded in the office of the register of deeds.

Subd. 5. The County Medical Examiner may be removed

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by the board of county commissioners during his term of office for incompetency or misconduct shown on hearing had upon due notice and upon stated charges. At such hearing, the secretary of said board shall keep an accurate record of the proceedings and may employ a shorthand reporter to take and transcribe the testimony adduced. Such reporter shall be paid from the County Medical Examiner Fund. Within seven days after the hearing the secretary of said board shall mail a copy of the findings and determination of said board to the County Medical Examiner by registered mail. Within 20 days after the date of such mailing, the County Medical Examiner may appeal to the District Court from any adverse findings and determination by serving a notice of appeal upon the county auditor and the chairman of the board of county commissioners and filing the original notice and proof of service with the clerk of said court. Within ten days after the service of said notice of appeal, the county auditor shall certify the file with the clerk of said court, a copy of the charges and a transcript of the proceedings of the board of county commissioners had thereon including a transcript of the testimony adduced at said hearing. Upon five days notice by either party to the other party, the appeal shall be heard by the court at any general or special term thereof. The appeal shall stay the operation of the findings and determination of the board of county commissioners and if the County Medical Examiner be reinstated, he shall be paid as though he had not been separated from his employment.

Sec. 2. Subdivision 1. The County Medical Examiner shall appoint one or more deputies who shall be doctors of medicine. In the absence of the County Medical Examiner or his inability to act, the deputies shall have the same powers and be subject to the same liabilities as the County Medical Examiner. Each deputy shall be appointed in writing and shall give the bond required of the County Medical Examiner which bond, together with his oath and appointment, shall be filed and recorded in the office of the register of deeds. Each deputy County Medical Examiner shall act in his own name as deputy County Medical Examiner and hold his office during the pleasure of the County Medical Examiner.

Subd. 2. Persons employed in the office of the Hennepin County Coroner on the effective date of this act shall continue their employment in the office of the County Medical Examiner and shall remain under the same jurisdiction, subject to the same rules and regulations, as those now under the jurisdiction of the Classification, Salary and Tenure Commission of said county.

Sec. 3. The board of county commissioners shall furnish to the County Medical Examiner such office and morgue facilities

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and equipment, and allow such reasonable expenses as are necessary to the efficient performance of his duties. The County Medical Examiner shall make use of the equipment, personnel, and facilities of the Bureau of Criminal Apprehension, and of the University of Minnesota, and any hospital facilities or laboratories as may be made available to him.

Sec. 4. All violent deaths, including homicidal, suicidal, and accidental, all deaths due to thermal, chemical, electrical or radiational injury, deaths due to criminal abortion, including those self-induced, all sudden deaths of persons not disabled by recognizable disease, all deaths of persons to be cremated, and all deaths of persons confined in jails or other public institutions (except hospitals, sanatoriums, and homes for the aged), occurring in such county, shall be promptly reported for investigation to the County Medical Examiner by the law enforcement officer, attending physician, mortician, person in charge of the aforementioned public institutions, or other person having knowledge thereof.

Sec. 5. Upon notification of such death, the County Medical Examiner or a deputy shall proceed to the body, take charge of the same, and, when necessary, shall order that there be no interference with the body or the scene of death. He shall make inquiry regarding the cause and manner of death, reduce his findings to writing and promptly file a full report thereof in the office of the County Medical Examiner. Whenever, in his opinion, death may have resulted from a criminal act, and further investigation is deemed advisable, he shall forward a copy of such report to the county attorney for such county. If he deems it necessary, the County Medical Examiner shall take possession of all property of value of the deceased, shall mark the same with suitable identification, and shall make an exact inventory thereof in his report. He shall take possession of all articles which may be useful in establishing the cause of death, mark the same for identification, and shall retain them safely in his possession as long as the county attorney shall deem them necessary as evidence or for other purposes of criminal investigation. The County Medical Examiner shall release to any law enforcement officer any such property as is needed for the purposes of criminal investigation, and such officer shall return *such property immediately upon completion of the investigation.* When such property is no longer needed for the purposes of his investigation, or as evidence, the County Medical Examiner shall release the same to the person or persons entitled thereto, and when such deceased person is unknown, the County Medical Examiner shall dispose of such property in the same manner as is provided for coroners by Minnesota Statutes 1961, Section 525.393.

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Sec. 6. Subdivision 1. If the County Medical Examiner deems it advisable and in the public interest that an autopsy be performed upon a body coming under the jurisdiction and control of the County Medical Examiner by virtue of section 4 of this act, or if an autopsy is ordered by a district court judge, an autopsy shall be performed without unnecessary delay. A detailed record and report of the facts developed by the autopsy and findings of the person performing such autopsy shall be promptly made and filed in the office of the County Medical Examiner, and when further investigation is deemed advisable, a copy thereof shall be delivered to the county attorney, and to any other official at whose request the autopsy was performed. Every autopsy performed hereunder shall, whenever practicable, be performed in the county morgue.

Subd. 2. Upon application by the County Medical Examiner, pursuant to the performance of his duties under this act, the district court, upon good cause shown, may order disinterment of any dead body. Such application shall set forth the names and addresses of such of the next of kin of the deceased person as shall be known to the County Medical Examiner. Notice of any such application shall be given by personal service thereof upon such of the next of kin of the deceased person as may reside in such county not less than three days prior to the date of hearing thereon. If none of the next of kin of the deceased person can be found in such county, then notice shall be given to the next of kin who reside outside of the boundaries of such county in such manner and at such time as the court shall direct, unless, upon a proper showing, the court shall determine that an immediate post-mortem examination is necessary. If the next of kin be unknown, the court shall issue such order, upon a proper showing, without notice to any adverse party. Whenever a dead body is disinterred by any order of court for the purpose of ascertaining facts relating to the cause of death, and the County Medical Examiner has information which in his opinion indicates that death in such case may have resulted from a criminal act, he shall perform a post-mortem examination, or autopsy, and shall do and perform such other duties prescribed in this act which may be necessary or proper.

Sec. 7. The County Medical Examiner may, when requested, make physical examination and tests incident to any matter of a criminal nature under consideration by the district court or the county attorney, and shall deliver a copy of such report to the county attorney or district court judge making such request.

Sec. 8. It shall be the duty of the County Medical Ex-

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aminer to keep full and complete records in his office, properly indexed giving the name, if known, of every person or body of a deceased person who is the subject of his investigation, the place where the body was found, date and cause of death, and all other available information relating thereto. The original report of the investigating County Medical Examiner, and the detailed findings of the autopsy, if any, shall be attached to the record of each case. The County Medical Examiner shall, upon request, deliver to the county attorney copies of any such records or other information in his office. Such records and reports, including those of autopsies performed under the provisions of this act, or transcriptions thereof, certified by the County Medical Examiner, shall be received as evidence in any court or grand jury proceeding in this state. The records and reports which shall be admissible as evidence under this act shall not include statements made by witnesses or other persons unless otherwise admissible. Whenever requested by the county attorney, the County Medical Examiner and the personnel of his office shall appear and testify before a grand jury or any court, without fees or additional compensation.

Sec. 9. After the investigation has been completed, including an autopsy if one is made, the dead body shall be released immediately to the relatives or friends of the deceased person for burial. If the deceased person is unknown, or if the body is unclaimed, the County Medical Examiner shall deliver the body for purposes of anatomical study if such body shall be suitable for such purposes. Otherwise, he shall cause the body to be decently buried.

Sec. 10. The County Medical Examiner shall cause to be fingerprinted all deceased persons in his county whose identity is not immediately established. Within 24 hours thereafter, he shall forward to the Bureau of Criminal Apprehension such fingerprints, fingerprint records and other identification data. The superintendent of the Bureau of Criminal Apprehension shall prescribe the form of these reports.

Sec. 11. Nothing herein shall require the county medical examiner to perform an autopsy upon the body of a deceased person when such deceased person died of known natural causes and had been under the care or treatment of a licensed physician immediately prior to the occurrence of such death if the county medical examiner determines such autopsy to be unnecessary.

Sec. 12. This act shall become effective only after its approval by a majority of the governing body of the county of

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Hennepin and upon compliance with the provisions of Minnesota Statutes 1961, Section 645.021.

Approved May 23, 1963.

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CHAPTER 849—S. F. No. 1562

[Coded in Part]

*An act relating to the issuance and execution of search warrants; amending Minnesota Statutes 1961, Sections 80.24, 340.65 and 626.04; repealing Minnesota Statutes 1961, Sections 31.06, 340.67, 626.01, 626.02 and 626.03.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1961, Section 80.24, is amended to read:

**80.24 Searches and seizures.** Subject to the limitations in the Constitution of the State of Minnesota, ~~Articles 7 and 10~~ *Article 1, Sections 7 and 10*, and in Articles IV and V of the amendments to the Constitution of the United States, a search warrant may be issued at any time and without notice in any proceeding, civil or criminal, under sections 80.05 to 80.27 ~~wherein a complaint, information, or indictment has been filed;~~ which search warrant may be used for the purpose of obtaining and holding until after trial and decision of the case any books, records, documents, writings, or papers deemed pertinent or material in such proceeding. ~~Any complaint so filed, if duly verified and sufficiently specific, or any affidavit filed in such proceeding, may be taken by the court as authority for the issuance of such search warrant; and all~~ *All* proceedings thereunder shall be substantially the same as like proceedings under sections ~~626.01 to 626.04~~ *this act*. The court, by order made at or subsequent to the issuance of any such search warrant, may provide for the custody, care, and control of anything seized pursuant thereto; but, if no such order be made, anything so seized shall be delivered by the officer executing the warrant to the court, (or the clerk thereof) from which such warrant issued and shall be there retained until after trial and decision of the case.

Sec. 2. Minnesota Statutes 1961, Section 340.65, is amended to read:

**340.65 Search, seizure.** When complaint is made, on oath, to any magistrate authorized to issue warrants in criminal

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