

ingly violating the provisions of this section is guilty of a misdemeanor.

Approved May 25, 1965.

CHAPTER 760—H. F. No. 556

[Not Coded]

An act relating to the municipal court of Fridley; fixing the salaries of the judge and the special judge of said court, and designating the judge as chief municipal judge and the special judge as municipal judge.

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

Section 1. **Fridley municipal court; judges; salaries.** Subdivision 1. Notwithstanding the provisions of Minnesota Statutes 1961, Section 488.06, the judge of the municipal court, and the special judge of the municipal court of Fridley shall be designated as chief municipal judge and municipal judge, respectively.

Subd. 2. Effective January 1, 1965, the annual salary of the chief judge of the municipal court of Fridley is \$4,000, and said judge shall receive in addition to this salary the annual salary of \$500 as provided in Minnesota statutes 1961, Section 488.21, Subdivision 3, for services in connection with the conciliation court.

Subd. 3. Effective January 1, 1965, the annual salary of the municipal judge of the municipal court of Fridley is \$2,000, and said judge shall receive in addition to this salary the annual salary of \$500 for services in connection with the conciliation court.

Subd. 4. The provisions of subdivisions 2 and 3 apply to the salaries of the judges of the municipal court of Fridley, notwithstanding any provision to the contrary in Minnesota Statutes 1961, Sections 488.21 and 488.22.

Approved May 25, 1965.

CHAPTER 761—H. F. No. 672

[Coded in Part]

An act relating to coroners; amending Minnesota Statutes 1961,

Changes or additions indicated by italics, deletions by strikeout.

Chapter 390, by adding a new section; and Sections 390.11, 390.17, and 390.19; repealing Minnesota Statutes 1961, Sections 390.02, 390.03, 390.09, 390.10, 390.12, 390.13, 390.14, and 390.18.

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

Section 1. Minnesota Statutes 1961, Chapter 390, is amended by adding a section to read:

[390.005] Coroners; election or appointment, qualifications; vested rights; vacancies. *Subdivision 1. A coroner shall be elected in each county as prescribed by Minnesota Statutes, Section 382.01, except as hereinafter provided.*

Subd. 2. In any county in which the office of coroner has not been abolished, the board of county commissioners may by resolution duly adopted at least six months before the end of the term of the office of coroner declare its intention to fill the office by appointment. Having adopted such a resolution, the board of county commissioners shall fill the office of coroner by appointing a person to the office not less than 30 days before the end of the term of office of the incumbent. When so appointed, the coroner shall serve for such term of office as may be determined by the board of county commissioners commencing upon the expiration of the term of the incumbent but not to exceed four years.

Subd. 3. A coroner shall be a person who has, in the course of his education or professional training successfully completed academic courses in the subjects of pharmacology, surgery, pathology, toxicology, and physiology; provided, however, that if a board of county commissioners determines that the office of coroner shall not be an elective office as hereinbefore provided and if the board of county commissioners is unable to find any person meeting the foregoing qualifications who is willing to accept appointment as coroner, the board of county commissioners may appoint as coroner any qualified person, as defined herein, whether a resident of the county or not.

Subd. 4. The coroner of any county holding office on July 1, 1965, is confirmed and shall continue in office. Each such coroner shall serve for the balance of his present term and until his successor is elected and qualified. Each incumbent coroner in office on such date is deemed to meet the qualifications prescribed by this section for the purpose of his continuance in, reelection to or appointment to office.

Subd. 5. Vacancies in the office of coroner shall be filled in conformity with the provisions of Minnesota Statutes, Sections 375.08 and 382.02. A coroner may continue to be removed from office as now or hereafter provided by law.

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

Sec. 2. Minnesota Statutes 1961, Section 390.11, is amended to read:

390.11 Investigations and inquests. Coroners shall hold inquests, post mortem examinations, or autopsies upon the dead bodies of such persons as are supposed to have come to their death by violence and may hold such inquest when the death is believed to have been and was evidently occasioned by accident or casualty. The record of the inquest proceedings and the report thereof may not be used in evidence in any civil action arising out of the death for which such inquest was ordered. Before any inquest is held the coroner shall notify the county attorney to appear and conduct the examination of witnesses at such inquest:

Subdivision 1. The coroner shall investigate and may conduct inquests in all human deaths of the following types:

(1) Violent deaths, whether apparently homicidal, suicidal, or accidental, including but not limited to deaths due to thermal, chemical, electrical, or radiational injury, and deaths due to criminal abortion, whether apparently self induced or not;

(2) Deaths under unusual or mysterious circumstances;

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

(4) Deaths of inmates of public institutions who are not hospitalized therein for organic disease and whose deaths are not of any type referred to in clauses (1) or (2).

Subd. 2. The coroner may conduct an autopsy in the case of any human death of any type referred to in subdivision 1, clauses (1) or (2), when in the judgment of the coroner the public interest requires an autopsy.

Subd. 3. In addition the coroner may conduct an autopsy in the case of any human death of any type referred to in subdivision 1, clauses (3) or (4), or may exhume any human body and perform an autopsy thereon in the case of any human death of any type referred to in subdivision 1 when in the judgment of the coroner the public interest requires an autopsy; provided that no such autopsy shall be conducted unless the surviving spouse, or next of kin if there be no surviving spouse, consents thereto, or unless the district court of the county wherein the body is located or buried shall, upon such notice as the court directs, enter its order authorizing an autopsy or an exhumation and autopsy. Application for such an order may be made by the coroner or by the county attorney of the county wherein

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the body is located or buried, upon such showing as the court deems appropriate.

Subd. 4. If during any such investigation and in the opinion of the coroner the assistance of pathologists, toxicologists, deputy coroners, laboratory technicians, or other medical experts are necessary to determine the cause of death, the coroner shall secure their assistance.

Subd. 5. The record of the inquest proceedings and the report thereof may not be used in evidence in any civil action arising out of the death for which such inquest was ordered. Before any inquest is held the coroner shall notify the county attorney to appear and conduct the examination of witnesses at such inquest.

Subd. 6. The coroner shall keep properly indexed records giving the name, if known, of every person whose death is investigated, the place where the body was found, the date, cause, and manner of death, and all other relevant information concerning the death.

Subd. 7. All deaths of the types described in this section shall be promptly reported for investigation to the coroner by the law enforcement officer, attending physician, mortician, person in charge of the public institutions referred to in subdivision 1, or other person having knowledge thereof.

Subd. 8. Upon notification of such a death the coroner or his deputy shall proceed to the body, take charge of the same, and, when necessary, order that there be no interference with the body or the scene of death.

Subd. 9. Whenever in his opinion death may have resulted from a criminal act he shall deliver a signed copy of his report of investigation or inquest to the county attorney.

Sec. 3. Minnesota Statutes 1961, Section 390.17, is amended to read:

390.17 Testimony; filing, certificate of no inquest. The testimony of all witnesses examined before the coroner's jury at an inquest shall be reduced to writing by the coroner or under his direction and be subscribed by the witnesses respectively. The coroner shall forthwith file such testimony, together with a record of all proceedings had before him, in the office of the clerk of the district court of the county. In all cases brought to the attention of the coroner wherein he does not deem it necessary to hold an inquest, he shall forthwith file with such clerk a certificate setting forth the facts in relation thereto. ~~For the taking of such testimony the coroner shall be allowed 15 cents a folio and 25 cents for such certificate.~~ The

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clerk of the district court shall forthwith duly file and index such case or proceeding.

Sec. 4. Minnesota Statutes 1961, Section 390.19, is amended to read:

390.19 **Witness bound over; return.** If the jury find coroner finds that any murder, manslaughter, or assault has been committed, ~~the coroner~~ he shall bind over by recognizance such witnesses as he shall think proper to appear and testify at the next term of the district court at which indictment for such offense can be found. He shall return to the same court the inquisition, written evidence, and all recognizances and examinations by him taken, and may commit to the jail of the county any witnesses who refuse to recognize in such manner, as he shall direct.

Sec. 5. [390.111] **Expenses.** *The county board of the county may allow the reasonable and necessary expenses of the coroner or his deputies, incurred for telephone tolls, telegrams, or postage, and other expenses incurred pursuant to the provisions of Minnesota Statutes, Chapter 390, and sections 1 to 5 of this act, including without limiting the generality of the foregoing the cost of transcribing the testimony taken at any inquest, solely for the official business of such officers.*

Sec. 6. [390.006] **Hennepin county, application.** *None of the provisions of Minnesota Statutes, Chapter 390, and sections 1 to 5 of this act shall apply to the office of county medical examiner of Hennepin county, as established pursuant to Laws 1963, Chapter 848.*

Sec. 7. [390.26] **Repealer, extent.** *All acts or parts of acts inconsistent with the provisions of sections 1 to 5 of this act are repealed and superseded by the provisions hereof but only to the extent of such inconsistencies. All acts or parts of acts pertaining to the salaries, fees, and expenses of coroners and their deputies and other employees or to the establishment and maintenance of morgues and not inconsistent with the provisions of sections 1 to 5 shall continue to remain in force and effect.*

Sec. 8. Minnesota Statutes 1961, Sections 390.02, 390.03, 390.09, 390.10, 390.12, 390.13, 390.14, and 390.18, are repealed.

Sec. 9. *This act is in effect on July 1, 1965.*

Approved May 25, 1965.

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