

CHAPTER 367—S.F.No.2199

[Coded]

An act relating to coroners; abolishing the office of coroner and transferring the duties thereof to medical examiners, sheriffs, probate judges and county attorneys in certain counties.

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

Section 1. **[390.31] DEATH; SIMPLIFIED INVESTIGATIONS OF DEATH.** Subdivision 1. **PURPOSE.** It is the purpose of this act to provide a simplified system for the investigation of the death of any person when the county attorney determines that such an investigation is necessary and to provide professional assistance to those making such investigation. To this end it is declared to be in the public interest for medical doctors to conduct the medical investigations deemed necessary, under the supervision of the county attorney and, if a trial proceeding is deemed necessary, that it be held in a court of record.

Subd. 2. **JURY FEES.** Each juror sworn in any action pending in a justice court, or before any sheriff on a writ of inquiry, shall receive \$3, to be paid, in the first instance in all civil actions, by the party calling for such jurors.

Subd. 3. **DISQUALIFICATION OF SHERIFF.** When the sheriff is a party to an action, or when any party, his agent or attorney, makes and files with the clerk of the district court an affidavit stating that he believes the sheriff, by reason either of partiality, prejudice, consanguinity, or interest, will not faithfully perform his duties in any action commenced, or about to be commenced, the clerk shall direct all process in such action to the county attorney, who shall thereafter perform all the duties of the sheriff relative to such action, and in the same manner as prescribed for a sheriff in the performance of similar duties.

Sec. 2. **[390.32] AUTHORITY TO CONDUCT PROCEEDINGS.** Subdivision 1. **INVESTIGATIONS AND INQUESTS.** The sheriff shall investigate and may recommend to the medical examiner and the county attorney the conduct of inquests and autopsies 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;

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(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).

The sheriff shall report all such deaths to the medical examiner and the county attorney.

Subd. 2. VIOLENT OR MYSTERIOUS DEATHS; AUTOPSIES. The medical examiner 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 medical examiner the public interest requires an autopsy.

Subd. 3. OTHER DEATHS; AUTOPSIES; EXHUMATION. In addition the medical examiner 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 medical examiner 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 medical examiner or by the county attorney of the county wherein the body is located or buried, upon such showing as the court deems appropriate.

Subd. 4. MEDICAL SPECIALISTS. Should the medical examiner deem it advisable to engage the services of medical specialists, including but not limited to pathologists and toxicologists, he shall apply to the probate judge, and upon reasonable cause being shown therefor the probate judge shall authorize the medical examiner to engage such medical specialists and provide for the payment of their fees and expenses, such costs to be paid by the county treasurer upon receipt of a certificate thereof from the probate judge.

Subd. 5. RECORDS OF INVESTIGATION. The sheriff 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. 6. REPORT OF DEATHS. All deaths of the types described in this section shall be promptly reported for investigation

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to the sheriff by the attending physician, mortician, person in charge of the public institutions referred to in subdivision 1, or other person having knowledge thereof.

Subd. 7. **CUSTODY OF BODY.** Upon notification of such a death the sheriff 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. 8. **REPORT OF INVESTIGATION.** The sheriff shall deliver a signed copy of his report of investigation to the county attorney and the medical examiner.

Subd. 9. **INQUEST PROCEDURE.** Should the county attorney elect to conduct an inquest, he shall promptly notify the probate judge of the necessity for an inquest and to make all arrangements therefor. At such inquest, the probate judge shall preside and the county attorney shall conduct the inquest on behalf of the state. Upon conclusion of the inquest, the probate judge shall find the cause of death and sign and file a death certificate. The probate judge, upon application of the county attorney, may issue subpoenas for witnesses in the manner provided by Minnesota Statutes 1969, Section 390.15, and the probate judge shall administer the oath to them in the manner provided by Minnesota Statutes 1969, Section 390.16.

Subd. 10. **NO INQUEST CONDUCTED.** Should the county attorney elect not to conduct an inquest, he shall so inform the medical examiner who shall thereupon find the cause of death and sign and file a death certificate.

Sec. 3. **[390.33] APPOINTMENT OF MEDICAL EXAMINER; MANNER OF CONDUCTING PROCEEDINGS.** Subdivision 1. The county board of any county shall appoint a permanent county medical examiner who shall be a doctor of medicine or osteopathy licensed to practice pursuant to Minnesota Statutes, Chapter 147, or similar laws in any other state. Such county medical examiner shall perform all the duties imposed upon medical examiners by this act and shall serve at the pleasure of the county board. The county board shall pay such medical examiner a salary to be determined by the board and shall provide for the payment of such medical examiner's expenses incurred in the performance of his duties.

Subd. 2. The probate judge may issue subpoenas for witnesses, returnable forthwith or at such time and place as he shall direct. The persons served with such subpoenas shall be allowed the same fees, their attendance be enforced in the same manner by the sheriff, and they shall be subject to the same penalties as if they had been served with a subpoena in behalf of the state in a criminal case before a justice of the peace.

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Subd. 3. The following oath shall be administered to the witnesses by the probate judge: "You do solemnly swear that the evidence you shall give to this inquest concerning the death under investigation shall be the whole truth and nothing but the truth: So help you God."

Subd. 4. The testimony of the inquest and all records of the proceedings had before the probate judge shall be kept and maintained as a permanent record of the probate court. The record, or any portion thereof, shall be transcribed upon order of the probate court and shall be transcribed upon the request of any witness who shall tender to the county treasurer the cost of such transcript or portion thereof as determined by the probate judge. 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.

Subd. 5. If the probate judge finds that any murder, manslaughter, or assault has been committed, 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.

Subd. 6. If any person charged by the inquest with having committed such offense is not in custody, the probate judge shall have the same power as a justice of the peace to issue process for his apprehension; and such warrant shall be made returnable before any justice of the peace or other magistrate or court having jurisdiction in the case, who shall proceed therein in the same manner as in other like cases.

Subd. 7. It shall be unlawful for any person, other than the medical examiner or the judge of probate, to issue a certificate of death in any of the following cases: Violent or mysterious deaths, including suspected homicides, occurring in his county, and any wilful violation of any of the provisions of section 390.22 shall be a misdemeanor, punishable by fine or imprisonment, or both.

Subd. 8. Each sheriff shall cause to be fingerprinted all deceased persons in his county whose identity is not immediately established. Within 24 hours thereafter the sheriff 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.

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Subd. 9. Any duty of the coroner imposed by law prior to the effective date of this act and not transferred by this act or some other provision of law, is transferred to the medical examiner of the county in which such coroner was elected or appointed.

Sec. 4. **[390.34] QUALIFIED COUNTY CORONER; APPLICATION OF SECTIONS 390.31 TO 390.35.** This act shall not apply in any county in which there is a person whom the county board deems qualified who will agree to seek election to the office of coroner or who will accept appointment to such office in counties where the coroner is appointed. In no case shall this act be effective as to any county until it has been approved by the board of such county.

Sec. 5. **[390.35] ELECTION TO FOLLOW SIMPLIFIED INVESTIGATION.** This act applies only to those counties in which the county board elects to be bound by its provisions in lieu of any other law relating to coroners.

Approved May 17, 1971.

CHAPTER 368—S.F.No.2092

[Not Coded]

An act authorizing the conveyance by the state of certain lands in Rice county to the Rice county day activity center.

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

Section 1. CONVEYANCE OF STATE LANDS; RICE COUNTY DAY ACTIVITY CENTER. The governor, upon the recommendation of the commissioner of administration, shall transfer and convey by quitclaim deed, in such form as the attorney general approves, in the name of the state of Minnesota, to the Rice county day activity center, for the consideration of \$1, the following described lands in Rice county:

That part of the Southeast Quarter of the Southwest Quarter of Section 32, Township 110 North, Range 20 West of the Fifth Principal Meridian, in the city of Faribault, Rice county, Minnesota, bounded on the North by a line 200.00 feet southerly from and parallel with the southerly line of Barron road; bounded on the East by a line 33.00 feet westerly from and parallel with the East line of said Southeast Quarter of Southwest Quarter; bounded on the

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