

## CHAPTER 390

### CORONER; MORGUE; INVESTIGATION OF DEATH

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#### 390.005 ELECTION OR APPOINTMENT, QUALIFICATIONS; VESTED RIGHTS; VACANCIES.

Subdivision 1. **County election.** A coroner shall be elected in each county as prescribed by section 382.01, except as provided in this section.

Subd. 2. **Appointment by resolution.** In a county where the office of coroner has not been abolished, the board of county commissioners may by resolution state its intention to fill the office by appointment. The resolution must be adopted at least six months before the end of the term of the incumbent coroner. After the resolution is adopted, the board shall fill the office by appointing a person not less than 30 days before the end of the incumbent's term. The appointed coroner shall serve for a term of office determined by the board beginning upon the expiration of the term of the incumbent. The term must not be longer than four years.

If there is a vacancy in the office in the county, the board may by resolution, state its intention to fill the office by appointment. When the resolution is adopted, the board shall fill the office by appointment immediately. The coroner shall serve for a term determined by the board. The term must not be longer than four years.

Subd. 3. **Educational requirements.** A coroner must have successfully completed academic courses in pharmacology, surgery, pathology, toxicology, and physiology. However, if a board of county commissioners determines that the office of coroner shall not be elective and it cannot appoint any person meeting the educational qualifications as coroner, the board may appoint any qualified person, whether a resident of the county or not.

Subd. 4. **Certain incumbents.** An incumbent coroner in office on July 1, 1965 meets the qualifications prescribed by this section for the purpose of continuance in, reelection to, or appointment to office.

Subd. 5. **Vacancies.** Vacancies in the office of coroner shall be filled according to sections 375.08 and 382.02. A coroner may be removed from office as provided by law.

**History:** 1985 c 265 art 7 s 1

#### 390.006 HENNEPIN COUNTY, APPLICATION.

This chapter does not apply to the office of county medical examiner of Hennepin county, established under Laws 1963, chapter 848.

**History:** 1985 c 265 art 7 s 1

**390.01 CORONER; MORGUE; INVESTIGATION OF DEATH**

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**390.01 BOND.**

Before taking office, the coroner shall post bond to the state in a penal sum set by the county board, not less than \$500 nor more than \$10,000. The coroner's bond is subject to the same conditions in substance as in the bond required by law to be given by the sheriff, except as to the description of the office. The bond and oath of office shall be filed with the county recorder.

**History:** 1985 c 265 art 7 s 1

**390.04 TO ACT WHEN SHERIFF A PARTY TO AN ACTION.**

When the sheriff is a party to an action or when a party, or a party's agent or attorney, files with the clerk of the district court an affidavit stating that the party believes the sheriff, because of partiality, prejudice, consanguinity, or interest, will not faithfully perform the sheriff's duties in an action commenced, or about to be commenced, the clerk shall direct process in the action to the coroner. The coroner shall perform the duties of the sheriff relative to the action in the same manner required for a sheriff.

**History:** 1985 c 265 art 7 s 1

**390.05 DEPUTIES.**

A coroner shall appoint one or more deputies. When the coroner is absent or unable to act, deputies have the same powers and are subject to the same liabilities as coroners. A deputy shall be appointed in writing. The coroner may require the deputy to post bond before taking office. The bond, oath, and appointment shall be filed for record with the county recorder. The deputy shall act in his or her own name as deputy coroner and hold office at the same time as the coroner.

**History:** 1985 c 265 art 7 s 1

**390.06 PUBLIC MORGUE.**

In every county with a population of 100,000 or over, the board shall provide and equip a public morgue at the county seat. The morgue's purpose is to receive and dispose of all dead bodies which are by law subject to a post mortem or coroner's inquest, without charge to anyone. The cost of building and equipping the morgue must not exceed \$2,500, and its maintenance must not exceed \$3,000 a year.

**History:** 1985 c 265 art 7 s 1

**390.07 MORGUE MAINTENANCE.**

The morgue must be under the control of the county board and be maintained in a suitable building separate from any other business. It must be equipped with the best modern approved appliances to handle and dispose of dead bodies. It must not be connected in any manner with any undertaking establishment. No person shall be employed in the morgue who is in any manner connected with or interested in the undertaking business.

**History:** 1985 c 265 art 7 s 1

**390.11 INVESTIGATIONS AND INQUESTS.**

**Subdivision 1. Deaths requiring inquests and investigations.** 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 that the bodies will later be unavailable for examination; and

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

**Subd. 2. Violent or mysterious deaths; autopsies.** The coroner may conduct an autopsy in the case of any human death referred to in subdivision 1, clause (1) or (2), when the coroner judges that the public interest requires an autopsy.

**Subd. 3. Other deaths; autopsies; exhumation; consent.** The coroner may conduct an autopsy in the case of any human death referred to in subdivision 1, clause (3) or (4), or may exhume any human body and perform an autopsy on it in the case of any human death referred to in subdivision 1 when the coroner judges that the public interest requires an autopsy. No autopsy shall be conducted unless the surviving spouse, or next of kin if there is no surviving spouse, consents to it, or the district court of the county where the body is located or buried, upon notice as the court directs, enters an order authorizing an autopsy or an exhumation and autopsy. Application for an order may be made by the coroner or by the county attorney of the county where the body is located or buried, upon a showing that the court deems appropriate.

**Subd. 4. Assistance of medical specialists.** If during an investigation the coroner believes the assistance of pathologists, toxicologists, deputy coroners, laboratory technicians, or other medical experts is necessary to determine the cause of death, the coroner shall obtain their assistance.

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

**Subd. 6. Records.** 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. Reports.** Deaths of the types described in this section must 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 with knowledge of the death.

**Subd. 8. Coroner in charge of body.** Upon notification of a death subject to this section, the coroner or deputy shall proceed to the body, take charge of it, and, when necessary, order that there be no interference with the body or the scene of death.

**Subd. 9. Criminal act report.** When the coroner or deputy believes that the death may have resulted from a criminal act, he or she shall deliver a signed copy of the report of investigation or inquest to the county attorney.

**Subd. 10. Sudden infant death.** If a child under the age of two years dies suddenly and unexpectedly under circumstances indicating that the death may have been caused by sudden infant death syndrome, the coroner, medical examiner, or personal physician shall notify the child's parents or guardian that an autopsy is essential to establish the cause of death as sudden infant death syndrome. If an

autopsy reveals that sudden infant death syndrome is the cause of death, that fact must be stated in the autopsy report. The parents or guardian of the child shall be promptly notified of the cause of death and of the availability of counseling services.

Subd. 11. **Autopsy fees.** The coroner may charge a reasonable fee to a person requesting an autopsy if the autopsy would not otherwise be conducted under subdivision 1, 2, or 3.

Subd. 12. **Authorized removal of the brain.** If the coroner is informed by a physician or pathologist that a dead person is suspected of having had Alzheimer's disease, the coroner shall authorize the removal of the brain of the dead person for the purposes of sections 145.131 and 145.132.

**History:** 1985 c 265 art 7 s 1; 1Sp1985 c 9 art 2 s 90,91

### 390.111 EXPENSES.

The county board may allow the reasonable and necessary expenses of the coroner or deputies incurred for telephone tolls, telegrams, postage, the cost of transcribing the testimony taken at an inquest, and other expenses incurred solely for the officers' official business under this chapter.

**History:** 1985 c 265 art 7 s 1

### 390.15 WITNESSES; FEES.

The coroner may issue subpoenas for witnesses, returnable immediately or at a specified time and place. The persons served with the subpoenas shall be allowed the fees, the coroner shall enforce their attendance, and they shall be subject to the penalties provided by statute or the rules of criminal procedure.

**History:** 1985 c 265 art 7 s 1

### 390.16 OATH OF WITNESSES.

The following oath shall be administered to the witnesses by the coroner: "Do you solemnly swear that the evidence you shall give to this inquest concerning the death of the person lying before you dead shall be the whole truth and nothing but the truth, so help you God?"

**History:** 1985 c 265 art 7 s 1

### 390.17 TESTIMONY; FILING.

The testimony of a witness examined at an inquest must be put in writing by the coroner or under the coroner's direction and signed by the witness. The coroner shall then file the testimony, together with a record of all proceedings, in the office of the clerk of the district court of the county.

**History:** 1985 c 265 art 7 s 1

### 390.19 WITNESS BOUND OVER; RETURN.

If the coroner finds that murder, manslaughter, or assault has been committed, the coroner shall hold over by recognizance any witnesses the coroner thinks proper to appear and testify at the next term of the district court at which indictment for the offense can be found. The coroner shall return to the court the inquisition, written evidence, and all recognizances and examinations taken, and may commit to the county jail any witness who refuses to recognize as the coroner directs.

**History:** 1985 c 265 art 7 s 1

**390.20 PERSON CHARGED ARRESTED.**

If any person charged by the inquest with having committed the offense is not in custody, the coroner shall have the same power as a county or municipal judge to issue process for the person's apprehension. The warrant shall be returnable before any court having jurisdiction in the case and the court shall proceed as in similar cases.

**History:** 1985 c 265 art 7 s 1

**390.21 BURIAL.**

When a coroner holds an inquest upon view of the dead body of any person unknown, or, being called for that purpose, does not think it necessary, on view of the body, that an inquest be held, the coroner shall have the body decently buried. All expenses of the inquisition and burial shall be paid by the county where the dead body is found.

**History:** 1985 c 265 art 7 s 1

**390.221 BODIES; EFFECTS; CUSTODY.**

A person may not remove, interfere with, or handle the body or the effects of any person subject to an investigation by the county coroner or medical examiner except upon order of the coroner or medical examiner or deputy. The coroner or medical examiner shall take charge of the effects found on the body of a deceased person and dispose of them as the probate court directs by written order. If a crime in connection with the death of a deceased person is suspected, the coroner or medical examiner may prevent any person from entering the premises, rooms, or buildings, and shall have the custody of objects that he or she deems material evidence in the case. A willful violation of this section is a misdemeanor.

**History:** 1985 c 265 art 7 s 1

**390.23 CERTIFICATES OF DEATH.**

No person, other than the county coroner, medical examiner, or judge of probate, shall issue a certificate of death in cases of violent or mysterious deaths, including suspected homicides, occurring in the county.

**History:** 1985 c 265 art 7 s 1

**390.24 EXPENSES.**

The county board may allow the reasonable and necessary expenses of the coroner or deputies incurred for telephone tolls, telegrams, postage, the cost of transcribing the testimony taken at an inquest, and other expenses incurred solely for the officers' official business under this chapter.

**History:** 1985 c 265 art 7 s 1

**390.25 FINGERPRINTING OF UNIDENTIFIED DECEASED PERSON.**

Each coroner shall have fingerprinted all deceased persons in the county whose identity is not immediately established. Within 24 hours after the body is found, the coroner shall forward to the bureau of criminal apprehension the fingerprints,

fingerprint records, and other identification data. The superintendent of the bureau shall prescribe the form of these reports.

The duties are in addition to those imposed on the coroner by section 525.393.

**History:** 1985 c 265 art 7 s 1

### 390.26 REPEALER.

All laws inconsistent with Laws 1965, chapter 761, sections 1 to 5, are repealed and superseded by this chapter. All laws pertaining to the salaries, fees, and expenses of coroners and their deputies and other employees or to the establishment and maintenance of morgues and consistent with Laws 1965, chapter 761, sections 1 to 5, remain in force.

**History:** 1985 c 265 art 7 s 1

### 390.31 SIMPLIFIED INVESTIGATIONS OF DEATH.

Subdivision 1. **Purpose.** Sections 390.31 to 390.35 provide a simplified system for the investigation of the death of any person when the county attorney determines that an investigation is necessary and provide for professional assistance to those making the investigation. 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 is deemed necessary, that it be held in a court of record.

Subd. 2. **Jury fees.** Each juror sworn in an action pending before a 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 the jurors.

Subd. 3. **Disqualification of sheriff.** When the sheriff is a party to an action or when any party, or the party's agent or attorney, files with the clerk of the district court an affidavit stating that the party believes the sheriff, because of partiality, prejudice, consanguinity, or interest, will not faithfully perform the sheriff's duties in an action commenced, or about to be commenced, the clerk shall direct process in the action to the county attorney. The attorney shall perform the duties of the sheriff relative to the action in the manner required for a sheriff.

**History:** 1985 c 265 art 7 s 1

### 390.32 AUTHORITY TO CONDUCT PROCEEDINGS.

Subdivision 1. **Deaths requiring 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;

(3) deaths of persons whose bodies are to be cremated, dissected, buried at sea, or otherwise disposed of so that the bodies will later be unavailable for examination; and

(4) deaths of inmates of public institutions who are not hospitalized for organic disease and whose deaths are not of any type referred to in clause (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, clause (1) or (2), when in the judgment of the medical examiner the public interest requires an autopsy.

**Subd. 3. Other deaths; autopsies; exhumation consent.** The medical examiner may conduct an autopsy in the case of any human death of any type referred to in subdivision 1, clause (3) or (4), or may exhume any human body and perform an autopsy 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. No such autopsy shall be conducted unless the surviving spouse, or next of kin if there is no surviving spouse, consents, or unless the district court of the county where the body is located or buried, upon notice as the court directs, enters its order authorizing an autopsy or an exhumation and autopsy. Application for an order may be made by the medical examiner or the county attorney of the county where the body is located or buried, upon a showing that the court deems appropriate.

**Subd. 4. Assistance of medical specialists.** If the medical examiner finds it advisable to engage the services of medical specialists, including pathologists and toxicologists, the medical examiner shall apply to the probate judge for authorization. If the medical examiner shows reasonable cause, the probate judge shall authorize the medical examiner to engage medical specialists and provide for payment of their fees and expenses. The costs of the services shall be paid by the county treasurer upon receipt of a certificate 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.** Deaths of the types described in this section must be promptly reported for investigation 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 of the death.

**Subd. 7. Custody of body.** Upon notification of a death subject to this section, the sheriff or deputy shall proceed to the body, take charge of it, 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 the report of investigation to the county attorney and the medical examiner.

**Subd. 9. Inquest procedure.** If the county attorney elects to conduct an inquest, the county attorney shall promptly notify the probate judge of the need for an inquest and make all arrangements for it. At the 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 section 390.15 and the probate judge shall administer the oath to them in the manner provided by section 390.16.

**Subd. 10. No inquest conducted.** If the county attorney elects not to conduct an inquest, the county attorney shall inform the medical examiner who shall find the cause of death and sign and file a death certificate.

**History:** 1985 c 265 art 7 s 1

### **390.33 APPOINTMENT OF MEDICAL EXAMINER; MANNER OF CONDUCTING PROCEEDINGS.**

**Subdivision 1. Medical examiner appointment.** A county board shall appoint as permanent county medical examiner a doctor of medicine or osteopathy licensed

to practice pursuant to chapter 147, or similar laws in any other state. A county medical examiner shall perform the duties imposed upon medical examiners by sections 390.31 to 390.35 and serve at the pleasure of the county board. The county board shall pay the medical examiner a salary to be determined by the board and provide for the payment of the medical examiner's expenses incurred in the performance of duties.

Subd. 2. **Subpoena power.** The probate judge may issue subpoenas for witnesses, returnable immediately or at a time and place the judge directs. The persons served with subpoenas shall be allowed the same fees, the sheriff shall enforce their attendance in the same manner, 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 county or municipal judge.

Subd. 3. **Oath.** The following oath shall be administered to the witnesses by the probate judge: "Do you 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. **Proceeding records.** The testimony of the inquest and all records of the proceedings before the probate judge must be kept as a permanent record of the probate court. The record or any portion of it must be transcribed upon order of the probate court or upon the request of any witness who shall pay the county treasurer the cost of the transcript or portion of it determined by the probate judge. The record of the inquest proceedings and the report may not be used in evidence in a civil action arising out of the death for which the inquest was ordered.

Subd. 5. **Witnesses.** If the probate judge finds that murder, manslaughter, or assault has been committed, the judge shall hold over by recognizance any witnesses the judge thinks proper to appear and testify at the next term of the district court at which indictment for the offense can be found. The judge shall return to the court the inquisition, written evidence, and all recognizances and examinations taken, and may commit to the county jail any witness who refuses to recognize as the judge directs.

Subd. 6. **Warrants.** If a person charged by the inquest as having committed the offense is not in custody, the judge may issue process for apprehension of the person. The warrant must be made returnable before any court having jurisdiction in the case. The court shall proceed in the same manner as in similar cases.

Subd. 8. **Fingerprints; identification data.** Each sheriff shall have fingerprinted all deceased persons in the county whose identity is not immediately established. Within 24 hours, the sheriff shall forward the fingerprints, fingerprint records, and other identification data to the bureau of criminal apprehension. The superintendent of the bureau shall prescribe the form of these reports.

Subd. 9. **Coroner duties transfer to medical examiner.** Any duty of the coroner imposed by law prior to May 18, 1971, and not transferred by sections 390.31 to 390.35 or some other provision of law is transferred to the medical examiner of the county in which the coroner was elected or appointed.

**History:** 1985 c 265 art 7 s 1

### **390.34 QUALIFIED COUNTY CORONER; APPLICATION OF SECTIONS 390.31 TO 390.35.**

Sections 390.31 to 390.35 do not apply in a 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, in a county where the coroner is appointed, a person who will accept



appointment. Sections 390.31 to 390.35 are not effective in any county until they have been approved by its county board.

**History:** 1985 c 265 art 7 s 1

### **390.35 ELECTION TO FOLLOW SIMPLIFIED INVESTIGATION.**

Sections 390.31 to 390.35 apply only to counties in which the county board elects to be bound by them in lieu of other law relating to coroners. In a county in which sections 390.31 to 390.35 apply, the county board may by resolution resume death investigations under sections 390.005 to 390.26. The board shall then fill the office of coroner as provided by section 390.005.

**History:** 1985 c 265 art 7 s 1

### **390.36 CORONER REMOVAL OF PITUITARY GLAND DURING AUTOPSY.**

A county coroner who performs an autopsy under sections 390.11, 390.32, or any other general or local law relating to county coroners or medical examiners, may remove the pituitary gland from the body and give it to the national pituitary agency, or any other agency or organization, for research if the following conditions have been met:

(a) the removal would not alter a gift made under sections 525.921 to 525.93;

(b) the coroner or medical examiner has no knowledge of any objection to the removal by the decedent or other person having the right to control the disposition of the body; and

(c) the coroner or medical examiner has followed generally accepted ethical guidelines and the removal would not violate the tenets of the deceased's religion.

**History:** 1985 c 183 s 1