CHAPTER 390

CORONER; MEDICAL EXAMINER

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390.005 ELECTION OR APPOINTMENT, ELIGIBILITY; VACANCIES; REMOVAL.

Subdivision 1. **Selection of coroner or medical examiner.** Each county must have a coroner or medical examiner. A coroner may be elected, as prescribed by section 382.01, or appointed in each county. A medical examiner must be appointed by the county board. The term of an appointed coroner or medical examiner must not be longer than four years.

Subd. 2. **Appointment by resolution.** The board of county commissioners may, by resolution, state its intention to fill the office of coroner by appointment. The resolution must be adopted at least six months before the end of the term of the incumbent coroner, if elected. 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 elected office, 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. **Qualifications.** (a) The medical examiner must be a forensic pathologist who is certified or eligible for certification by the American Board of Pathology. The medical examiner is an appointed public official in a system of death investigation in which the administrative control, the determination of the extent of the examination, need for autopsy, and the filing of the cause and manner of death information with the state registrar pursuant to section 144.221 are all under the control of the medical examiner.

(b) The coroner must be a physician with a valid license in good standing under chapter 147, to practice medicine as defined under section 147.081, subdivision 3. The coroner is a public official, elected or appointed, whose duty is to make inquiry into deaths in certain categories, determine the cause and manner of death, and file the information with the state registrar pursuant to section 144.221. The coroner must obtain additional training in medicolegal death investigation, such as training by the American Board of Medicolegal Death Investigators, within four years of taking office, unless the coroner has already obtained this training.

(c) The coroner or medical examiner need not be a resident of the county.

Subd. 4. **Certain incumbents.** An incumbent coroner or medical examiner in office on July 1, 2006, is hereby deemed to meet the qualifications prescribed by this section for the purpose of continuance in the office of coroner until the end of the current term of office, after which this statute will apply.

Subd. 5. **Vacancies, removal.** Vacancies in the office of coroner or medical examiner shall be filled according to sections 375.08 and 382.02, or under subdivision 1. The medical examiner or appointed coroner may be removed by the county board during a term of office for cause shown after a hearing upon due notice of written charges. The hearing shall be conducted in accordance with that county's human resources policy.

Subd. 6. **Communicating with family during a death investigation.** Every coroner or medical examiner in office on or after July 1, 2015, shall maintain and make publicly available, a statement of policy or principles to be used for communicating with families during a death investigation.

History: *1965 c 761 s 1; 1983 c 114 s 1; 1985 c 265 art 7 s 1; 1994 c 445 s 1; 2006 c 260 art 8 s 1; 2015 c 60 s 1*

390.006 MS 2004 [Repealed, 2006 c 260 art 8 s 21]

390.0065 HENNEPIN COUNTY MEDICAL EXAMINER; SELECTION AND TERM.

Hennepin County shall use the following procedure to select the Hennepin County medical examiner: the Hennepin County Board shall designate three individuals who shall constitute a Medical Examiner Board. One member shall be a professor of pathology in the Department of Laboratory Medicine and Pathology at the University of Minnesota. The second member of the board shall be a pathologist practicing at Hennepin Healthcare. The third member shall be the director of medical examiner operations at the Hennepin County Medical Examiner's Office. The Medical Examiner Board shall accept applications for the position of Hennepin County medical examiner when a vacancy exists in the office. Applications shall be considered from doctors of medicine who are: (1) graduates of a medical school recognized by the American Medical Association or American Osteopathic Association; (2) members in good standing in the medical profession; (3) eligible for a license to practice medicine in Minnesota; and (4) board certified in forensic pathology by the American Board of Pathology. The Medical Examiner Board shall review the qualifications of the applicants, rank the applicants deemed qualified for the position, and provide to the county board a report of the applicants together with their qualifications. The county board shall appoint a county medical examiner from those listed in the report. The term of the examiner shall continue for four years from the date of appointment. Reappointment shall be made at least 90 days prior to the expiration of the term. If a vacancy requires a temporary appointment, the board of commissioners shall appoint a medical doctor on the staff of the county medical examiner's office to assume the duties of the medical examiner until an appointment can be made in compliance with the specified selection procedure. Actual and necessary expenses of the Medical Examiner Board shall be paid in accordance with sections 471.38 to 471.415.

History: *2006 c 260 art 8 s 2; 2026 c 55 s 2*

390.01 BOND AND INDEMNIFICATION.

The coroner or medical examiner shall be included in the bond held by the county for all appointed and elected county officials and shall be defended and indemnified, pursuant to section 466.07. The oath of office shall be recorded and filed with the county recorder.

History: *(942) RL s 583; 1973 c 524 s 8; 1976 c 181 s 2; 1985 c 265 art 7 s 1; 2006 c 260 art 8 s 3*

390.011 AUTONOMY.

The coroner or medical examiner is an independent official of the county, subject only to appointment, removal, and budgeting by the county board.

History: *2006 c 260 art 8 s 4*

390.012 JURISDICTION.

The coroner or medical examiner of the county in which a person dies or is pronounced dead shall have jurisdiction over the death, regardless of where any injury that resulted in the death occurred. The place where death is pronounced is deemed to be the place where death occurred. If the place of death is unknown but the dead body is found in Minnesota, the place where the body is found is considered the place of death. If the date of death is unknown, the date the body is found is considered the date of death, but only for purposes of this chapter. When a death occurs in a moving conveyance and the body is first removed in Minnesota, documentation of death must be filed in Minnesota and the place of death is considered the place where the body is first removed from the conveyance.

History: *2006 c 260 art 8 s 5*

390.02 MS 1961 [Repealed, 1965 c 761 s 8]

390.03 MS 1961 [Repealed, 1965 c 761 s 8]

390.04 PROVISION FOR TRANSFER OF JURISDICTION.

When the coroner or medical examiner, because of partiality, prejudice, consanguinity, or interest, is not able to perform the coroner or medical examiner's duties, the coroner or medical examiner shall have the authority to transfer jurisdiction to another coroner or medical examiner, as arranged by the county board.

History: *(945) RL s 586; 1985 c 265 art 7 s 1; 1Sp1986 c 3 art 1 s 82; 2006 c 260 art 8 s 6*

390.05 MEDICAL EXAMINER OR CORONER STAFF.

The coroner or medical examiner may appoint one or more assistant coroners or assistant medical examiners, as necessary to fulfill the duties of the office, subject to authorization by the county board. Such assistants shall have the same qualifications as a coroner or medical examiner. When the coroner or medical examiner is absent or unable to act, assistants shall have the same powers and duties and are subject to the same limitations as the coroner or medical examiner. The assistants shall be appointed in writing, shall take an oath that shall be recorded and filed with the county recorder, and shall be included in the county bond. The assistant shall act by name as assistant coroner or medical examiner and hold office at the pleasure of the coroner or medical examiner.

A coroner or medical examiner may appoint one or more investigators, with such qualifications as the coroner or medical examiner deems appropriate. Such investigators shall have the powers and duties that are delegated to them by the coroner or medical examiner. Unless they are public employees of that county, investigators shall be appointed in writing and take an oath, shall be included in the county bond, and the oath and appointment shall be recorded and filed with the county recorder. Subject to authorization of the county board, assistants may be appointed to the unclassified service and investigators to the classified service of the county.

History: *RL s 598; 1945 c 144 s 1; 1976 c 181 s 2; 1985 c 265 art 7 s 1; 1986 c 444; 1991 c 326 s 21; 2005 c 4 s 96; 2006 c 260 art 8 s 7*

390.06 MS 2004 [Repealed, 2006 c 260 art 8 s 21]

390.061 MORGUE.

Every county need not have a morgue, but there must be a system or process for receiving, storing, and releasing all dead bodies subject to this statute.

History: *2006 c 260 art 8 s 8*

390.07 MS 2004 [Repealed, 2006 c 260 art 8 s 21]

390.08 MS 1967 [Repealed, 1969 c 79 s 11]

390.09 MS 1961 [Repealed, 1965 c 761 s 8]

390.10 MS 1961 [Repealed, 1965 c 761 s 8]

390.11 INVESTIGATIONS.

Subdivision 1. **Reports of death.** All sudden or unexpected deaths and all deaths that may be due entirely or in part to any factor other than natural disease processes must be promptly reported to the coroner or medical examiner for evaluation. Sufficient information must be provided to the coroner or medical examiner. Reportable deaths include, but are not limited to:

(1) unnatural deaths, including violent deaths arising from homicide, suicide, or accident;

(2) deaths due to a fire or associated with burns or chemical, electrical, or radiation injury;

(3) unexplained or unexpected perinatal and postpartum maternal deaths;

(4) deaths under suspicious, unusual, or unexpected circumstances;

(5) deaths of persons whose bodies are to be cremated or otherwise disposed of so that the bodies will later be unavailable for examination;

(6) deaths of inmates of public institutions and persons in custody of law enforcement officers who have not been hospitalized primarily for organic disease;

(7) deaths that occur during, in association with, or as the result of diagnostic, therapeutic, or anesthetic procedures;

(8) deaths due to culpable neglect;

(9) stillbirths of 20 weeks or longer gestation unattended by a physician;

(10) sudden deaths of persons not affected by recognizable disease;

(11) unexpected deaths of persons notwithstanding a history of underlying disease;

(12) deaths in which a fracture of a major bone such as a femur, humerus, or tibia has occurred within the past six months;

(13) deaths unattended by a physician occurring outside of a licensed health care facility or licensed residential hospice program;

(14) deaths of persons not seen by their physician within 120 days of demise;

(15) deaths of persons occurring in an emergency department;

(16) stillbirths or deaths of newborn infants in which there has been maternal use of or exposure to unprescribed controlled substances including street drugs or in which there is history or evidence of maternal trauma;

(17) unexpected deaths of children;

(18) solid organ donors;

(19) unidentified bodies;

(20) skeletonized remains;

(21) deaths occurring within 24 hours of arrival at a health care facility if death is unexpected;

(22) deaths associated with the decedent's employment;

(23) deaths of nonregistered hospice patients or patients in nonlicensed hospice programs; and

(24) deaths attributable to acts of terrorism.

The coroner or medical examiner shall determine the extent of the coroner's or medical examiner's investigation, including whether additional investigation is needed by the coroner or medical examiner, jurisdiction is assumed, or an autopsy will be performed, subject to subdivision 2b.

Subd. 1a. **Commissioner of corrections; investigation of deaths.** For deaths occurring within a facility licensed by the Department of Corrections, the coroner or medical examiner shall ensure that a forensic pathologist who is certified by the American Board of Pathology reviews each death and performs an autopsy on all unnatural, unattended, or unexpected deaths and others as necessary.

Subd. 1b. **Hospice registration policy.** Each coroner and medical examiner shall establish a registration policy regarding hospice patients. If a hospice patient is determined to be properly preregistered, the coroner or medical examiner may treat the death as attended by a physician.

Subd. 2. **Autopsies.** Subject to subdivision 2b, the coroner or medical examiner may order an autopsy, at the coroner or medical examiner's sole discretion, in the case of any human death referred to in subdivision 1, when, in the judgment of the coroner or medical examiner the public interest would be served by an autopsy. The autopsy shall be performed without unnecessary delay. A report of the facts developed by the autopsy and findings of the person performing the autopsy shall be made promptly and filed in the office of the coroner or medical examiner. When further investigation is deemed advisable, a copy of the report shall be delivered to the county attorney. Every autopsy performed pursuant to this subdivision shall, whenever practical, be performed in the county morgue. Nothing herein shall require the coroner or medical examiner to order an autopsy upon the body of a deceased person if the person died of known or ascertainable causes or had been under the care of a licensed physician immediately prior to death or if the coroner or medical examiner determines the autopsy to be unnecessary.

Autopsies performed pursuant to this subdivision may include the removal, retention, testing, or use of organs, parts of organs, fluids or tissues, at the discretion of the coroner or medical examiner, when removal, retention, testing, or use may be useful in determining or confirming the cause of death, mechanism of death, manner of death, identification of the deceased, presence of disease or injury, or preservation of evidence. Such tissue retained by the coroner or medical examiner pursuant to this subdivision shall be disposed of in accordance with standard biohazardous hospital or surgical material and does not require specific consent

or notification of the legal next of kin. When removal, retention, testing, and use of organs, parts of organs, fluids, or tissues is deemed beneficial, and is done only for research or the advancement of medical knowledge and progress, written consent or documented oral consent shall be obtained from the legal next of kin, if any, of the deceased person prior to the removal, retention, testing, or use.

Subd. 2a. **Deaths caused by fire; autopsies.** The coroner or medical examiner shall conduct an autopsy or require that one be performed in the case of a death reported to the coroner or medical examiner by the state fire marshal or a chief officer under section 299F.04, subdivision 5, and apparently caused by fire, and in which the decedent is pronounced dead outside of a hospital or in which identification of the decedent has not been confirmed. If the decedent has died in a hospital and identification is not in question, an autopsy may be performed or ordered by the coroner or medical examiner.

Subd. 2b. **Religious objections to autopsy.** (a) For purposes of this subdivision:

(1) "compelling state interest" means that:

(i) the autopsy is necessary to investigation of a suspicious death or suspected crime;

(ii) the autopsy is necessary to prevent a potential public health threat and essential to ascertain the cause or manner of death;

(iii) the autopsy is necessary to ascertain the cause or manner of death following an unexpected death, regardless of the decedent's underlying disease, in order to protect the public's health;

(iv) the autopsy is necessary to obtain proper toxicologic or other specimens that may represent evidence of a crime and may deteriorate over time;

(v) the death is an unexpected and unexplained death of a child;

(vi) the death is associated with police action;

(vii) the death is unnatural, unattended, or unexpected and occurred within a facility licensed by the Department of Corrections, a secure treatment facility, as defined in section 246.71, subdivision 5, or within a facility as defined in section 626.5572, subdivision 6, but excluding deaths that occurred in the home of the decedent or a caregiver of the decedent;

(viii) the death is due to acute workplace injury;

(ix) the death is caused by apparent electrocution;

(x) the death is caused by unwitnessed or suspected drowning;

(xi) the body is unidentified and the autopsy may aid in identification;

(xii) the body is skeletonized but not subject to the provisions of section 307.08;

(xiii) the death appears to be caused by fire or explosion; or

(xiv) the need for an autopsy is otherwise established under paragraph (g);

(2) "religious beliefs" means the recognized tenets, understandings, customs, or rites of any culture or recognized religion as they apply to activities described in section 149A.01, subdivision 3, paragraph (b);

(3) "religious grounds" means that performance of an autopsy is contrary to the religious beliefs of the decedent or the decedent included a religious objection to an autopsy in the decedent's health care directive; and

(4) "representative of the decedent" or "representative" means the person or persons with the right to control and duty of disposition of the body of the decedent under section 149A.80, subdivision 2.

(b) The coroner or medical examiner shall, as soon as possible, but no more than 24 hours after the discovery of the decedent's body, exercise good faith efforts to give verbal or written notice to the representative of the decedent of the intended autopsy. This verbal or written notice must include providing written materials explaining the death investigation process or providing the representative the office's website address where this information is located. These written materials and website must include information regarding Minnesota's law concerning religious objections to autopsies. A record summarizing verbal communication with a representative must be maintained indefinitely in the coroner or medical examiner's records. If, despite a good faith effort, a representative of the decedent cannot be found within 24 hours of the discovery of the decedent's body, the autopsy may proceed without further delay.

(c) If the representative of the decedent does not object to the autopsy on religious grounds, the autopsy may be performed without delay.

(d) If the representative of the decedent objects to the autopsy on religious grounds, an autopsy must not be performed unless the coroner or medical examiner determines that there is a compelling state interest to perform the autopsy. The coroner or medical examiner may require a representative of the decedent or a person representing a class of representatives to present an affidavit stating the person's relationship to the decedent, any religious affiliation of the decedent, that the decedent had a religious objection to an autopsy and the basis for that belief, and that the person will assume responsibility for the lawful disposition of the body of the deceased.

(e) If the coroner or medical examiner determines that a compelling state interest to perform an autopsy exists under paragraph (a), clause (1), items (i) to (xiii), the autopsy may proceed without further delay.

(f) The district court may waive the waiting period under paragraph (b) upon ex parte motion if it determines that the delay may prejudice the accuracy of the autopsy or threaten public health.

(g) If the coroner or medical examiner determines that there is a compelling state interest to perform an autopsy under circumstances not described in paragraph (a), clause (1), items (i) to (xiii), and the representative of the decedent objects based on religious grounds and submits written information to the coroner or medical examiner showing reason to believe that the autopsy is contrary to the religious beliefs of the decedent, the coroner or medical examiner may bring an action in district court for an order authorizing the autopsy. The action must be brought by notice of an order to show cause served on the representative of the decedent or, if the representative is not available, on another party if directed by the court. The proceeding must be determined summarily upon the petition and the oral or written evidence offered by the parties. The court shall grant the relief sought in the petition if it finds that the petitioner demonstrates by a preponderance of the evidence that the autopsy is necessary and that need outweighs the state's interest in observing the decedent's religious beliefs. If the petition is denied and no stay is granted by the court, the body must immediately be released in accordance with chapter 149A.

(h) Autopsies performed after a religious objection under this subdivision must be the least intrusive procedure consistent with the state's compelling interest in performing the autopsy. This subdivision does not prohibit a coroner or medical examiner from obtaining voluntary permission from a representative of the decedent to conduct an examination and inquiry involving less intrusive means than an autopsy.

(i) A coroner or medical examiner is not liable for the failure to perform an autopsy if an objection to the autopsy on religious grounds has been made under this subdivision.

(j) In a court proceeding related to this subdivision, the petitioner may file data that are investigative data under section 13.83, subdivision 4, under seal with the court. The data must be examined by the court in camera. The investigative data filed with the court remain confidential consistent with the provisions of section 13.83, subdivision 4, except where disclosure is ordered as provided by section 13.83, subdivision 7.

(k) Actions or determinations by the coroner or medical examiner under this subdivision are exempt from chapter 14.

Subd. 3. **Exhumation; disinterment.** The coroner or medical examiner 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 or medical examiner judges that the public interest requires an autopsy. No exhumation shall be conducted unless the surviving legal next of kin consents to it, or the district court of the county where the body is located or buried orders it. Notice of such exhumation shall be given as directed by the district court. Application for an order may be made by the coroner, medical examiner, or county attorney of the county where the body is located or buried, and shall be granted upon a showing that the court deems appropriate.

Subd. 4. **Assistance of medical specialists.** If during an investigation the coroner or medical examiner believes the assistance of pathologists, toxicologists, laboratory technicians, or other medical, scientific, or forensic experts is necessary to determine or confirm the cause or manner of death, identification, time of death, or to address other issues requiring expert opinion, the coroner or medical examiner may obtain their assistance.

Subd. 5. **Inquest.** An inquest into a death may be held at the request of the medical examiner and the county attorney or the coroner and the county attorney. An inquest is optional and the coroner or medical examiner may investigate and certify a death without one. The coroner or medical examiner and county attorney may decide how to empanel the inquest. Inquest records will be made public, but 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. Whenever the decision is made to hold an inquest, the county attorney may issue subpoenas for witnesses and enforce their attendance. The persons served with subpoenas shall be allowed the same compensation and be subject to the same enforcement and penalties as provided by rule 22 of the Minnesota Rules of Criminal Procedure.

Subd. 6. **Records kept by coroner or medical examiner.** The coroner or medical examiner shall keep full and complete records, properly indexed, 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 available information concerning the death that the coroner or medical examiner considers pertinent. These records of the coroner or medical examiner are the property of the county and subject to chapter 13. These records shall be kept at the coroner's or medical examiner's office, unless no storage space is available. They shall then be kept with official county records and only released in accordance with the Data Practices Act. Records shall be kept in accordance with section 15.17.

Subd. 7. **Duty to report.** Deaths of the types described in this section must be promptly reported for investigation to the coroner or medical examiner and, when appropriate, to the law enforcement agency with jurisdiction, by the law enforcement officer, attending physician, health care professional, mortician or funeral director, person in charge of the public institutions referred to in subdivision 1, or anyone who

discovers a deceased person. In a case in which a crime may be involved, the coroner or medical examiner shall promptly notify the law enforcement agency with jurisdiction over a criminal investigation of the death.

Subd. 7a. **Records and other material available to coroner or medical examiner.** Except for health data defined in section 13.3805, subdivision 1, paragraph (a), clause (2), health-related records or data on a decedent whose death is being investigated under this section shall be made promptly available to the coroner or medical examiner, upon the coroner's or medical examiner's written request, by any person, agency, entity, or organization having custody of, possession of, access to, or knowledge of the records or data. This provision includes records and data, whether recorded or unrecorded, including but not limited to, records and data, including medical imaging, concerning medical, surgical, psychiatric, psychological, substance use disorder, or any other consultation, diagnosis, or treatment. In cases involving a stillborn infant or the death of a fetus or infant less than one year of age, the prenatal records on the decedent's mother may also be subpoenaed by the coroner or medical examiner. The coroner or medical examiner shall pay the reasonable costs of copies of records or data so provided under this section. Data collected or created pursuant to this subdivision relating to any psychiatric, psychological, or mental health consultation with, diagnosis of, or treatment of the decedent whose death is being investigated shall remain confidential or protected nonpublic data, except that the coroner's or medical examiner's final summary report may contain a summary of, or references to, such data. Where records of a decedent become part of the medical examiner's or coroner's file, they are not subject to subpoena or a request for production directed to the medical examiner or coroner. Body fluids, slides, tissue, organ specimens, radiographs, monitor records, video or other recordings, and any other material or article of diagnostic value obtained from the decedent prior to death shall be made available to the coroner or medical examiner upon request. Notwithstanding the provisions of sections 13.384 and 595.02, the coroner or medical examiner shall have the power to subpoena any and all documents, records, including medical records, and papers deemed useful in the investigation of a death.

Subd. 7b. **Records released by coroner or medical examiner.** Records and reports, including those of autopsies performed, generated, and certified by the coroner or medical examiner shall be admissible as evidence in any court or grand jury proceeding. The admissibility of such evidence under this subdivision shall not include statements made by witnesses or other persons unless otherwise admissible.

Subd. 8. **Investigation procedure; coroner or medical examiner in charge of body.** Upon notification of the death of any person as defined in this section, the coroner or medical examiner staff or their designee may proceed to the body, take charge of it, and arrange for transfer of it, when appropriate. This provision also applies to bones, body parts, and specimens that may be human remains. Discovery of such bones, body parts, and specimens must be promptly reported to the coroner or medical examiner. When necessary, the coroner or medical examiner staff, in coordination with the applicable law enforcement agency, may order that there be no interference with or compromise of the body or the scene of death. In the event a person is transported to an emergency vehicle or facility and pronounced dead, the scene of death shall include the original location of the decedent when first discovered to be ill, unresponsive, or stricken prior to removal by emergency medical personnel. Any person violating such an order is guilty of a gross misdemeanor. The coroner or medical examiner staff shall make inquiry regarding the cause and manner of death and, in cases that fall under the medical examiner's or coroner's jurisdiction, prepare written findings together with the report of death and its circumstances, which shall be filed in the office of the coroner or medical examiner.

Subd. 9. **Criminal act report.** The coroner or medical examiner shall deliver to the county attorney copies of reports or other information created by the coroner's or medical examiner's office in any cases of a potential criminal nature.

Subd. 10. **Infant death.** If a child under the age of two years dies suddenly and unexpectedly, the parents or guardian of the child shall be promptly notified of the availability of counseling services.

Subd. 11. MS 2004 [Repealed by amendment, 2006 c 260 art 8 s 9]

Subd. 12. **Authorized removal of brain.** If the coroner or medical examiner is informed by a physician that a decedent is suspected of having had Alzheimer's disease, the coroner or medical examiner may authorize the removal of the brain for the purposes of section 145.131.

History: *(946) RL s 587; 1945 c 529 s 1; 1965 c 761 s 2; 1984 c 637 s 3; 1985 c 265 art 7 s 1; 1Sp1985 c 9 art 2 s 90,91; 1986 c 444; 1991 c 319 s 19; 1993 c 326 art 5 s 4; 1998 c 367 art 9 s 16; 1999 c 227 s 22; 2001 c 210 s 18,19; 2006 c 260 art 8 s 9; 2014 c 192 art 4 s 2; 2015 c 60 s 2-4; 2022 c 98 art 4 s 51*

390.111 EXPENSES AND COMPENSATION.

The county board is responsible for the reasonable and necessary compensation and expenses of the coroner or medical examiner, assistants, investigators, and other medical specialists.

History: *1965 c 761 s 5; 1985 c 265 art 7 s 1; 2006 c 260 art 8 s 10*

390.12 MS 1961 [Repealed, 1965 c 761 s 8]

390.13 MS 1961 [Repealed, 1965 c 761 s 8]

390.14 MS 1961 [Repealed, 1965 c 761 s 8]

390.15 FEES.

The coroner or medical examiner may charge a fee for cremation approval, duplication of reports, and other administrative functions to recover reasonable expenses, subject to county board approval.

History: *(950) RL s 591; 1983 c 359 s 56; 1985 c 265 art 7 s 1; 2006 c 260 art 8 s 11*

390.151 ORGAN AND TISSUE DONATION.

The coroner or medical examiner may facilitate donation of organs and tissues in compliance with the Darlene Luther Revised Uniform Anatomical Gift Act, chapter 525A.

History: *2006 c 260 art 8 s 12; 2007 c 120 art 2 s 4*

390.152 CREMATION APPROVAL.

After investigating deaths of persons who are to be cremated, the coroner or medical examiner may give approval for cremation and shall record such approval by either signing a cremation authorization form or electronically through the centralized electronic system for the processing of death records established by the state registrar. It shall be a misdemeanor to perform a cremation without such approval.

History: *2006 c 260 art 8 s 13*

390.16 MS 2004 [Repealed, 2006 c 260 art 8 s 21]

390.17 MS 2004 [Repealed, 2006 c 260 art 8 s 21]

390.18 MS 1961 [Repealed, 1965 c 761 s 8]

390.19 MS 2004 [Repealed, 2006 c 260 art 8 s 21]

390.20 MS 2004 [Repealed, 2006 c 260 art 8 s 21]

390.21 DISPOSITION; BURIAL.

After an investigation has been completed, including an autopsy if one is done, the body shall be released promptly to the person or persons who have the right to control the disposition of the body. Section 149A.80, subdivision 2, shall control. If the identity of the deceased person is unknown, or if the body is unclaimed, the medical examiner or coroner shall provide for dignified burial or storage of the remains. Dignified burial shall not include cremation, donation for anatomic dissection, burial at sea, or other disposition that will make the body later unavailable. The county where the dead body is found shall pay reasonable expenses of the burial. If an estate is opened within six years and claim made for the property or proceeds of the sale of the property of the decedent, the county shall be reimbursed the amount spent on burial, with interest at the statutory rate.

History: *(956) RL s 597; 1985 c 265 art 7 s 1; 2006 c 260 art 8 s 14*

390.22 MS 1974 [Repealed, 1975 c 39 s 1]

390.221 BODIES; EFFECTS; CUSTODY.

A person may not move, interfere with, or handle the body or the effects of a decedent subject to an investigation by the coroner or medical examiner except upon order of the coroner, medical examiner, assistant, or authorized investigator. The coroner or medical examiner shall take charge of the effects found on or near the body of a deceased person and dispose of them as directed under section 390.225. If a crime is suspected in connection with the death of a deceased person, the coroner or medical examiner may prevent any person, except law enforcement personnel, from entering the premises, rooms, or buildings, and shall have the custody of objects that the coroner or examiner deems material evidence in the case. The coroner or medical examiner shall release any property or articles needed for any criminal investigation to law enforcement officers conducting the investigation, except as noted in section 390.225, subdivision 2. A knowing violation of this section is a gross misdemeanor.

History: *1980 c 509 s 147; 1985 c 265 art 7 s 1; 1986 c 444; 1995 c 189 s 8; 1996 c 277 s 1; 2006 c 260 art 8 s 15*

390.225 PROPERTY.

Subdivision 1. **Procedure.** The coroner or medical examiner may take possession of all articles that may be useful in establishing the cause or manner of death, identification, or next of kin of the deceased, and, if taken, mark them for identification, make an inventory, and retain them securely until they are no longer needed for evidence or investigation. Except as noted in subdivision 2, the coroner or medical examiner shall release any property or articles needed for any criminal investigation to law enforcement officers conducting the investigation.

Subd. 2. **Retention of property.** When a reasonable basis exists for not releasing property or articles to law enforcement officers, the coroner or medical examiner shall consult with the county attorney. If the county attorney determines that a reasonable basis exists for not releasing the property or articles, the coroner or medical examiner may retain them. The coroner or medical examiner shall obtain written confirmation of this opinion and keep a copy in the decedent's file.

Subd. 3. **Release of property.** With the exception of firearms, when property or articles are no longer needed for the investigation or as evidence, the coroner or medical examiner shall release such property or articles to the person or persons entitled to them. Personal property, including wearing apparel, may be released to the person entitled to control the disposition of the body of the decedent or to the personal

representative of the decedent. Personal property not otherwise released pursuant to this subdivision must be disposed of pursuant to section 525.393.

Subd. 4. **Firearms.** The coroner or medical examiner shall release all firearms, when no longer needed, to the law enforcement agency handling the investigation.

Subd. 5. **Property of unknown decedents.** If the name of the decedent is not known, the coroner or medical examiner shall release such property to the county for disposal or sale. If the unknown decedent's identity is established and if a representative shall qualify within six years from the time of such sale, the county administrator, or a designee, shall pay the amount of the proceeds of the sale to the representative on behalf of the estate upon order of the court. If no order is made within six years, the proceeds of the sale shall become a part of the general revenue of the county.

History: *2006 c 260 art 8 s 16*

390.23 DEATH RECORDS.

No person, other than the county coroner or medical examiner or, for deaths occurring within a facility licensed by the Department of Corrections, the forensic pathologist who reviewed the death, shall file or amend the cause or manner of death information with the state registrar in cases of likely or suspected accidental, suicidal, homicidal, violent, or mysterious deaths occurring in the county. The forensic pathologist who reviewed the death of an incarcerated person within a facility licensed by the Department of Corrections may file or amend the cause or manner of death information with the state registrar. If there is reasonable proof that a death has occurred, but no body has been found, a judge may direct the state registrar to register the death with the fact of death information provided by the court order according to section 144.221, subdivision 3.

History: *(957-2) 1927 c 201 s 2; 1980 c 509 s 148; 1985 c 265 art 7 s 1; 1995 c 189 s 8; 1996 c 277 s 1; 1Sp2001 c 9 art 15 s 32; 2003 c 27 s 1; 2006 c 260 art 8 s 17*

390.24 MS 2004 [Repealed, 2006 c 260 art 8 s 21]

390.25 UNIDENTIFIED DECEASED PERSONS.

Subdivision 1. **Attempts to identify.** The coroner or medical examiner shall make reasonable attempts to identify the deceased person promptly. These actions may include obtaining: photographs of the body; fingerprints from the body, if possible; formal dental examination by a dentist with forensic training, with charting and radiographs; full body radiographs; specimens such as tissue, blood, bone, teeth, and/or hair, suitable for DNA analysis or other identification techniques; blood type; photographs of items such as clothing and property found on and with the body; and anthropological determination of age, race, sex, and stature, if appropriate. All of these actions shall be taken prior to the disposition of any unidentified deceased person.

Subd. 2. **Report to BCA.** (a) After 30 days, the coroner or medical examiner shall provide to the Bureau of Criminal Apprehension missing persons clearinghouse information to be entered into federal and state databases that can aid in the identification, including the National Crime Information Center database. The coroner or medical examiner shall provide to the Bureau of Criminal Apprehension specimens suitable for DNA analysis. DNA profiles and information shall be entered by the Bureau of Criminal Apprehension into federal and state DNA databases within five business days after the completion of the DNA analysis and procedures necessary for the entry of the DNA profile.

(b) If a deceased's remains are identified as a missing person, the Bureau of Criminal Apprehension or the lead law enforcement agency shall attempt to locate family members of the deceased person and inform them of the death and location of the deceased person's remains. All efforts to locate and notify family members shall be recorded and retained by the Bureau of Criminal Apprehension or lead law enforcement agency.

Subd. 3. **Other efforts to identify.** Nothing in this section shall be interpreted to preclude any medical examiner or coroner from pursuing other efforts to identify unidentified deceased persons, including publicizing information, descriptions, or photographs that may aid in the identification, allowing family members to identify missing persons, and seeking to protect the dignity of the missing persons.

Subd. 4. **Preservation of data.** The coroner or medical examiner may preserve and retain photographs, specimens, documents, and other data such as dental records, radiographs, fingerprints, or DNA, for establishing or confirming the identification of bodies or for other forensic purposes deemed appropriate under the jurisdiction of the office. Upon request by an appropriate agency, or upon the coroner or medical examiner's own initiative, the coroner or medical examiner may make the information available to aid in the establishment of the identity of a deceased person.

Subd. 5. **Notice to state archaeologist.** After the coroner or medical examiner has completed the investigation, the coroner or medical examiner shall notify the state archaeologist, according to section 307.08, of all unidentified human remains found outside of platted, recorded, or identified cemeteries and in contexts which indicate antiquity of greater than 50 years.

History: *1955 c 268 s 1,2; 1985 c 265 art 7 s 1; 2006 c 260 art 8 s 18; 2009 c 38 s 13*

390.251 REQUEST FOR EXAMINATIONS.

The coroner or medical examiner may, when requested, make physical examinations and tests incident to any matter of a criminal nature under consideration by the district court or county attorney, law enforcement agency, or publicly appointed criminal defense counsel, and shall deliver a copy of a report of such tests and examinations to the person making the request. Such an examination does not establish a doctor-patient relationship. The person making the request shall pay the cost of such examinations and tests.

History: *2006 c 260 art 8 s 19*

390.252 CONTRACTS FOR SERVICES.

A county board may contract to perform coroner or medical examiner services with other units of government or their agencies under a schedule of fees approved by that board.

History: *2006 c 260 art 8 s 20*

390.26 MS 1994 [Repealed, 1996 c 310 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 court administrator 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 court administrator 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: *1971 c 367 s 1; 1983 c 359 s 58; 1985 c 265 art 7 s 1; 1Sp1986 c 3 art 1 s 82*

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. **Autopsies.** Subject to section 390.11, subdivision 2b, 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), or in section 390.11, subdivision 1.

Subd. 2a. **Deaths caused by fire; autopsies.** The medical examiner shall conduct an autopsy in the case of any human death reported to the medical examiner by the state fire marshal or a chief officer under section 299F.04, subdivision 5, and apparently caused by fire.

Subd. 3. **Other deaths; autopsies; exhumation consent.** Subject to section 390.11, subdivision 2b, 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 on an exhumed body 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 judge exercising probate jurisdiction for authorization. If the medical examiner shows reasonable cause, the 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 judge exercising probate jurisdiction.

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.** (a) 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.

(b) For the purposes of this section, health-related records or data on a decedent, except health data as defined in section 13.3805, subdivision 1, whose death is being investigated under this section, whether the records or data are recorded or unrecorded, including but not limited to those concerning medical, surgical, psychiatric, psychological, or any other consultation, diagnosis, or treatment, including medical imaging, shall be made promptly available to the medical examiner, upon the medical examiner's written request, by a person having custody of, possession of, access to, or knowledge of the records or data. The medical examiner shall pay the reasonable costs of copies of records or data provided to the medical examiner under this section. Data collected or created pursuant to this subdivision relating to any psychiatric, psychological, or mental health consultation with, diagnosis of, or treatment of the decedent whose death is being investigated shall remain confidential or protected nonpublic data, except that the medical examiner's report may contain a summary of such data.

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 judge of the need for an inquest and make all arrangements for it. At the inquest, the judge shall preside and the county attorney shall conduct the inquest on behalf of the state. Upon conclusion of the inquest, the judge shall find the cause of death and sign and file a death record. The judge, upon application of the county attorney, may issue subpoenas for witnesses in the manner provided by section 390.11, subdivision 5, and the judge shall administer the oath to them in the manner provided by section 390.33, subdivision 3.

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 record.

Subd. 11. **Commissioner of corrections; investigation of deaths.** The commissioner of corrections may require that all department-of-corrections-incarcerated deaths be reviewed by an independent, contracted, board-certified forensic pathologist.

History: *1971 c 367 s 2; 1985 c 265 art 7 s 1; 1991 c 319 s 20; 1993 c 326 art 5 s 5; 1995 c 189 s 8; 1996 c 277 s 1; 2001 c 210 s 20; 1Sp2001 c 9 art 15 s 32; 2012 c 187 art 1 s 66; 2013 c 125 art 1 s 69; 2015 c 60 s 5,6*

390.33 APPOINTMENT OF MEDICAL EXAMINER; INQUEST.

Subdivision 1. **Medical examiner appointment.** A county board shall appoint as permanent county medical examiner a doctor of medicine or osteopathic medicine 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 judge exercising probate jurisdiction 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 district court judge.

Subd. 3. **Oath.** The following oath shall be administered to the witnesses by the 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 judge exercising probate jurisdiction must be kept as a permanent record of the court. The record or any portion of it must be transcribed upon order of the 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 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 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. 7. MS 1978 [Repealed, 1980 c 509 s 149]

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: *1971 c 367 s 3; 1983 c 359 s 59,60; 1985 c 265 art 7 s 1; 1995 c 189 s 8; 1996 c 277 s 1; 2006 c 260 art 5 s 12; 2016 c 119 s 7*

390.34 WHEN SECTIONS 390.31 TO 390.35 DO NOT APPLY.

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: *1971 c 367 s 4; 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 390.25. The board shall then fill the office of coroner as provided by section 390.005.

History: *1971 c 367 s 5; 1983 c 114 s 2; 1985 c 265 art 7 s 1; 1997 c 7 art 1 s 134*

390.36 MS 2004 [Repealed, 2006 c 260 art 8 s 21]