To: Fees and Salaries of Public Officers; County Affairs

MISSISSIPPI LEGISLATURE

By: Representatives Montgomery (15th), Mitchell

REGULAR SESSION 2002

HOUSE BILL NO. 453

AN ACT TO AMEND SECTION 41-61-59, MISSISSIPPI CODE OF 1972, TO INCREASE THE MAXIMUM SALARY PAYABLE BY COUNTIES TO COUNTY MEDICAL EXAMINERS AND COUNTY MEDICAL EXAMINER INVESTIGATORS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 41-61-59, Mississippi Code of 1972, is amended as follows:

41-61-59. (1) A person's death which affects the public interest as specified in subsection (2) of this section shall be promptly reported to the medical examiner by the physician in attendance, any hospital employee, any law enforcement officer having knowledge of the death, the embalmer or other funeral home employee, any emergency medical technician, any relative or any other person present. The appropriate medical examiner shall notify the municipal or state law enforcement agency or sheriff and take charge of the body.

(2) A death affecting the public interest includes, but is not limited to, any of the following:

   (a) Violent death, including homicidal, suicidal or accidental death.

   (b) Death caused by thermal, chemical, electrical or radiation injury.

   (c) Death caused by criminal abortion, including self-induced abortion, or abortion related to or by sexual abuse.

   (d) Death related to disease thought to be virulent or contagious which may constitute a public hazard.

   (e) Death that has occurred unexpectedly or from an unexplained cause.
(f) Death of a person confined in a prison, jail or correctional institution.

(g) Death of a person where a physician was not in attendance within thirty-six (36) hours preceding death, or in prediagnosed terminal or bedfast cases, within thirty (30) days preceding death.

(h) Death of a person where the body is not claimed by a relative or a friend.

(i) Death of a person where the identity of the deceased is unknown.

(j) Death of a child under the age of two (2) years where death results from an unknown cause or where the circumstances surrounding the death indicate that sudden infant death syndrome may be the cause of death.

(k) Where a body is brought into this state for disposal and there is reason to believe either that the death was not investigated properly or that there is not an adequate certificate of death.

(l) Where a person is presented to a hospital emergency room unconscious and/or unresponsive, with cardiopulmonary resuscitative measures being performed, and dies within twenty-four (24) hours of admission without regaining consciousness or responsiveness, unless a physician was in attendance within thirty-six (36) hours preceding presentation to the hospital, or in cases in which the decedent had a prediagnosed terminal or bedfast condition, unless a physician was in attendance within thirty (30) days preceding presentation to the hospital.

(3) The State Medical Examiner is empowered to investigate deaths, under the authority hereinafter conferred, in any and all political subdivisions of the state. The county medical examiners and county medical examiner investigators, while appointed for a specific county, may serve other counties on a regular basis with
written authorization by the State Medical Examiner, or may serve
other counties on an as-needed basis upon the request of the
ranking officer of the investigating law enforcement agency. The
county medical examiner or county medical examiner investigator of
any county which has established a regional medical examiner
district under subsection (4) of Section 41-61-77 may serve other
counties which are parties to the agreement establishing the
district, in accordance with the terms of the agreement, and may
contract with counties which are not part of the district to
provide medical examiner services for such counties. If a death
affecting the public interest takes place in a county other than
the one where injuries or other substantial causal factors leading
to the death have occurred, jurisdiction for investigation of the
death may be transferred, by mutual agreement of the respective
medical examiners of the counties involved, to the county where
such injuries or other substantial causal factors occurred, and
the costs of autopsy or other studies necessary to the further
investigation of the death shall be borne by the county assuming
jurisdiction.

(4) The chief county medical examiner or chief county
medical examiner investigator may receive from the county in which
he serves a salary of One Thousand Dollars ($1,000.00) per month,
in addition to the fees specified in Sections 41-61-69 and
41-61-75, provided that no county shall pay the chief county
medical examiner or chief county medical examiner investigator
less than One Hundred Dollars ($100.00) per month as a salary, in
addition to other compensation provided by law. In any county
having one or more deputy medical examiners or deputy medical
examiner investigators, each deputy may receive from the county in
which he serves, in the discretion of the board of supervisors, a
salary of not more than One Thousand Dollars ($1,000.00) per
month, in addition to the fees specified in Sections 41-61-69 and
41-61-75. For this salary the chief shall assure twenty-four-hour
daily and readily available death investigators for the county, and shall maintain copies of all medical examiner death investigations for the county for at least the previous five (5) years. He shall coordinate his office and duties and cooperate with the State Medical Examiner, and the State Medical Examiner shall cooperate with him.

(5) A body composed of the State Medical Examiner, whether appointed on a permanent or interim basis, the Director of the State Board of Health or his designee, the Attorney General or his designee, the President of the Mississippi Coroners' Association (or successor organization) or his designee, and a certified pathologist appointed by the Mississippi State Medical Association shall adopt, promulgate, amend and repeal rules and regulations as may be deemed necessary by them from time to time for the proper enforcement, interpretation and administration of Sections 41-61-51 through 41-61-79, in accordance with the provisions of the Mississippi Administrative Procedures Law, being Section 25-43-1 through 25-43-19.

SECTION 2. The Attorney General of the State of Mississippi shall submit this act, immediately upon approval by the Governor, or upon approval by the Legislature subsequent to a veto, to the Attorney General of the United States or to the United States District Court for the District of Columbia in accordance with the provisions of the Voting Rights Act of 1965, as amended and extended.

SECTION 3. This act shall take effect and be in force from and after October 1, 2002, if it is effectuated on or before that date under Section 5 of the Voting Rights Act of 1965, as amended and extended. If it is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended, after October 1, 2002, this act shall take effect and be in force from and after the date it is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended.