

By: Senator(s) Bryan, Jackson (11th)

To: Judiciary, Division B;
Appropriations

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2635

1 AN ACT TO AMEND SECTION 41-61-53, MISSISSIPPI CODE OF 1972,
2 TO REVISE DEFINITIONS; TO AMEND SECTION 41-61-63, MISSISSIPPI CODE
3 OF 1972, TO CLARIFY THE VARIOUS RESPONSIBILITIES IN MASS-FATALITY
4 INCIDENTS OF THE PARTICIPANTS IN THE MEDICAL EXAMINER SYSTEM; AND
5 FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 41-61-53, Mississippi Code of 1972, is
8 amended as follows:

9 41-61-53. For the purposes of Sections 41-61-51 through
10 41-61-79, the following definitions shall apply:

11 (a) "Certification of death" means signing the death
12 certificate.

13 (b) "Coroner" means the elected county official
14 provided for in Sections 19-21-101 through 19-21-107.

15 (c) "County medical examiner investigator" means a
16 nonphysician trained and appointed to investigate and certify
17 deaths affecting the public interest.



(d) "County medical examiner" means a licensed physician appointed to investigate and certify deaths affecting the public interest.

(e) "Death affecting the public interest" means any death of a human being where the circumstances are sudden, unexpected, violent, suspicious or unattended.

(f) "Medical examiner" means the medical examiner system which is composed of the State Medical Examiner, county medical examiners and county medical examiner investigators collectively, and is a jurisdictional identifier, not a title, unless the context clearly requires otherwise * * *.

(g) "Pronouncement of death" means the statement of opinion that life has ceased for an individual.

(h) "State Medical Examiner" means the * * * person appointed by the Commissioner of Public Safety pursuant to Section 41-61-55 to investigate and certify deaths that affect the public interest.

(i) "Autopsy" means a postmortem examination.

(j) "Mass-fatality incident" means a situation in which there are more dead human bodies than can be properly managed by local resources.

(k) "Postmortem examination" means an examination of a dead human body that may include the least invasive to most invasive methods based on the expertise and judgment of the pathologist handling the case.



43 **SECTION 2.** Section 41-61-63, Mississippi Code of 1972, is
44 amended as follows:

45 41-61-63. (1) The State Medical Examiner shall:

46 (a) Provide assistance, consultation and training to
47 county medical examiners, county medical examiner investigators
48 and law enforcement officials.

49 (b) Keep complete records of all relevant information
50 concerning deaths or crimes requiring investigation by the county
51 medical examiners and county medical examiner investigators.

52 (c) Promulgate rules and regulations regarding the
53 manner and techniques to be employed while conducting autopsies;
54 the nature, character and extent of investigations to be made into
55 deaths affecting the public interest to allow a county medical
56 examiner or county medical examiner investigator to render a full
57 and complete analysis and report; the format and matters to be
58 contained in all reports rendered by the county medical examiners
59 and county medical examiner investigators; and all other things
60 necessary to carry out the purposes of Sections 41-61-51 through
61 41-61-79. The State Medical Examiner shall make such amendments
62 to these rules and regulations as may be necessary. All county
63 medical examiners, county medical examiner investigators, coroners
64 and law enforcement officers shall be subject to such rules.

65 (d) Cooperate with the crime detection and medical
66 examiner laboratories authorized by Section 45-1-17, the



University of Mississippi Medical Center, the Attorney General,
law enforcement agencies, the courts and the State of Mississippi.

(e) Coordinate the state and local response, including
the response of the Mississippi Mortuary Response Team and the
Mississippi Bureau of Investigation, in the recovery and
identification of dead human bodies at the scene of an incident
involving civil or commercial aircraft, mass-transportation
vehicles, United States military vehicles, or other mass-fatality
incident with any federal authority sharing jurisdiction or having
primary jurisdiction at the scene of the incident in order to
achieve an orderly and efficient mass-fatality management
operation.

(2) In addition, the county medical examiners and county
medical examiner investigators shall:

(a) Upon receipt of notification of a death affecting
the public interest, make inquiries regarding the cause and manner
of death, reduce the findings to writing and promptly make a full
report to the State Medical Examiner on forms prescribed for that
purpose. The medical examiner shall be authorized to inspect and
copy the medical reports of the decedent whose death is under
investigation. However, the records copied shall be maintained as
confidential so as to protect the doctor/patient privilege. The
medical examiners shall be authorized to request the issuance of
subpoenas, through the proper court, for the attendance of persons



91 and for the production of documents as may be required by their
92 investigation.

93 (b) Complete the medical examiner's portion of the
94 certificate of death within seventy-two (72) hours of assuming
95 jurisdiction over a death, and forward the certificate to the
96 funeral director or to the family. The medical examiner's portion
97 of the certificate of death shall include the decedent's name, the
98 date and time of death, the cause of death and the certifier's
99 signature. If determination of the cause and/or manner of death
100 are pending an autopsy or toxicological or other studies, these
101 sections on the certificate may be marked "pending," with
102 amendment and completion to follow the completion of the
103 postmortem studies. The State Medical Examiner shall be
104 authorized to amend a death certificate; however, the State
105 Medical Examiner is not authorized to change or amend any death
106 certificate after he has resigned or been removed from his office
107 as the State Medical Examiner. Where an attending physician
108 refuses to sign a certificate of death, or in case of any death,
109 the State Medical Examiner or properly qualified designee may sign
110 the death certificate.

111 (c) Cooperate with other agencies as provided for the
112 State Medical Examiner in subsection (1)(d) of this section.

113 (d) In all investigations of deaths affecting the
114 public interest where an autopsy will not be performed, obtain or
115 attempt to obtain postmortem blood, urine and/or vitreous fluids.



Medical examiners may also obtain rectal temperature measurements, known hair samples, radiographs, gunshot residue/wiping studies, fingerprints, palm prints and other noninvasive studies as the case warrants and/or as directed by the State Medical Examiner. Decisions shall be made in consultation with investigating law enforcement officials and/or the State Medical Examiner. The cost of all studies not performed by the Mississippi Forensics Laboratory shall be borne by the county. County medical examiner investigators shall be authorized to obtain these postmortem specimens themselves following successful completion of the death investigation training school.

(e) In all investigations of deaths occurring in the manner specified in subsection (2)(j) of Section 41-61-59, a death investigation shall be performed by the county medical examiners and county medical examiner investigators in accordance with the child death investigation protocol established by the State Medical Examiner. The results of the death investigation shall be reported to the State Medical Examiner on forms prescribed for that purpose by the State Medical Examiner and to appropriate authorities, including police and child protective services, within three (3) days of the conclusion of the death investigation.

(f) In an incident involving civil or commercial aircraft, mass-transportation vehicles, United States military vehicles, or other mass-fatality incident, the county medical



examiners and county medical examiner investigators must inform
the State Medical Examiner before initiating recovery or
identification efforts, must cooperate with the State Medical
Examiner, and must defer to the authority of the State Medical
Examiner to coordinate state and local response and questions of
overlapping jurisdiction, and the State Medical Examiner must
notify the Mississippi Mortuary Response Team.

(3) The county medical examiner and county medical examiner
investigator shall not use his position or authority to favor any
particular funeral home or funeral homes.

SECTION 3. This act shall take effect and be in force from
and after July 1, 2018.

