

## Senate Amendments to House Bill No. 1068

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

### AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

19           **SECTION 1.** Section 41-61-59, Mississippi Code of 1972, is  
20 amended as follows:  
21           41-61-59. (1) A person's death that affects the public  
22 interest as specified in subsection (2) of this section shall be  
23 promptly reported to the medical examiner by the physician in  
24 attendance, any hospital employee, any law enforcement officer  
25 having knowledge of the death, the embalmer or other funeral home  
26 employee, any emergency medical technician, any relative or any  
27 other person present. The appropriate medical examiner shall  
28 notify the municipal or state law enforcement agency or sheriff  
29 and take charge of the body. When the medical examiner has  
30 received notification under Section 41-39-15(6) that the deceased  
31 is medically suitable to be an organ and/or tissue donor, the  
32 medical examiner's authority over the body shall be subject to the  
33 provisions of Section 41-39-15(6). The appropriate medical  
34 examiner shall notify the Mississippi Bureau of Narcotics within

35 twenty-four (24) hours of receipt of the body in cases of death as  
36 described in subsection (2)(m) or (n) of this section.

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

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

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

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

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

47 (e) Death that has occurred unexpectedly or from an  
48 unexplained cause.

49 (f) Death of a person confined in a prison, jail or  
50 correctional institution.

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

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

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

59 (j) Death of a child under the age of two (2) years  
60 where death results from an unknown cause or where the

61 circumstances surrounding the death indicate that sudden infant  
62 death syndrome may be the cause of death.

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

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

77 (m) Death that is caused by drug overdose or which is  
78 believed to be caused by drug overdose.

79 (n) When a stillborn fetus is delivered and the cause  
80 of the demise is medically believed to be from the use by the  
81 mother of any controlled substance as defined in Section  
82 41-29-105.

83 (o) Death of any person under the age of eighteen (18).

84 (3) The State Medical Examiner is empowered to investigate  
85 deaths, under the authority hereinafter conferred, in any and all  
86 political subdivisions of the state. The county medical examiners

87 and county medical examiner investigators, while appointed for a  
88 specific county, may serve other counties on a regular basis with  
89 written authorization by the State Medical Examiner, or may serve  
90 other counties on an as-needed basis upon the request of the  
91 ranking officer of the investigating law enforcement agency. If a  
92 death affecting the public interest takes place in a county other  
93 than the one where injuries or other substantial causal factors  
94 leading to the death have occurred, jurisdiction for investigation  
95 of the death may be transferred, by mutual agreement of the  
96 respective medical examiners of the counties involved, to the  
97 county where the injuries or other substantial causal factors  
98 occurred, and the costs of autopsy or other studies necessary to  
99 the further investigation of the death shall be borne by the  
100 county assuming jurisdiction.

101 (4) (a) In criminal trials where the testimony of a current  
102 or former State Medical Examiner, Deputy State Medical Examiner,  
103 or member of the Mississippi Forensics Laboratory is needed, the  
104 use of audiovisual communications equipment to present such  
105 testimony remotely is allowed when the state has provided written  
106 notice to the defendant at least ninety (90) days prior to trial  
107 of its intent to present such remote testimony, and the defendant  
108 provides no written objection within fourteen (14) days of  
109 receiving such notice. Should the defendant object, the remote  
110 testimony shall only be permitted upon a finding by the court that  
111 the rights of the defendant to confront the witness against the  
112 defendant is not violated, that compelling circumstances exist to

113 allow such remote testimony, and that the remote testimony can be  
114 provided with appropriate safeguards so as to assure the  
115 reliability of the testimony of the witness during the trial.

116 (b) All persons qualified to administer an oath in the  
117 State of Mississippi may swear a witness remotely by audiovisual  
118 communication technology, provided they can positively identify  
119 the witness and they are able to both see and hear the witness via  
120 audiovisual communications equipment.

121 (5) The chief county medical examiner or chief county  
122 medical examiner investigator may receive from the county in which  
123 he serves a salary of One Thousand Two Hundred Fifty Dollars  
124 (\$1,250.00) per month, in addition to the fees specified in  
125 Sections 41-61-69 and 41-61-75, provided that no county shall pay  
126 the chief county medical examiner or chief county medical examiner  
127 investigator less than Three Hundred Dollars (\$300.00) per month  
128 as a salary, in addition to other compensation provided by law.  
129 In any county having one or more deputy medical examiners or  
130 deputy medical examiner investigators, each deputy may receive  
131 from the county in which he serves, in the discretion of the board  
132 of supervisors, a salary of not more than Nine Hundred Dollars  
133 (\$900.00) per month, in addition to the fees specified in Sections  
134 41-61-69 and 41-61-75; however, no county shall pay the deputy  
135 medical examiners or deputy medical examiner investigators less  
136 than Three Hundred Dollars (\$300.00) per month as a salary in  
137 addition to other compensation provided by law. For this salary  
138 the chief shall assure twenty-four-hour daily and readily

139 available death investigators for the county, and shall maintain  
140 copies of all medical examiner death investigations for the county  
141 for at least the previous five (5) years. He shall coordinate his  
142 office and duties and cooperate with the State Medical Examiner,  
143 and the State Medical Examiner shall cooperate with him.

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

146 41-61-63. (1) The State Medical Examiner shall:

147 (a) Provide assistance, consultation and training to  
148 county medical examiners, county medical examiner investigators  
149 and law enforcement officials.

150 (b) Keep complete records of all relevant information  
151 concerning deaths or crimes requiring investigation by the medical  
152 examiners.

153 (c) Promulgate rules and regulations regarding the  
154 manner and techniques to be employed while conducting autopsies;  
155 the nature, character and extent of investigations to be made into  
156 deaths affecting the public interest to allow a medical examiner  
157 to render a full and complete analysis and report; the format and  
158 matters to be contained in all reports rendered by the medical  
159 examiners; and all other things necessary to carry out the  
160 purposes of Sections 41-61-51 through 41-61-79. The State Medical  
161 Examiner shall make such amendments to these rules and regulations  
162 as may be necessary. All medical examiners, coroners and law  
163 enforcement officers shall be subject to such rules.

164 (d) Cooperate with the crime detection and medical  
165 examiner laboratories authorized by Section 45-1-17, the  
166 University of Mississippi Medical Center, the Attorney General,  
167 law enforcement agencies, the courts and the State of Mississippi.

168 (e) Promulgate rules and regulations regarding the  
169 manner in which county medical examiner investigators are required  
170 to enter electronically the information for all deaths that occur  
171 in the investigator's county.

172 (2) In addition, the medical examiners shall:

173 (a) Upon receipt of notification of a death affecting  
174 the public interest, make inquiries regarding the cause and manner  
175 of death, reduce the findings to writing and promptly make a full  
176 report to the State Medical Examiner on forms prescribed for that  
177 purpose. The medical examiner shall be authorized to inspect and  
178 copy the medical reports of the decedent whose death is under  
179 investigation. However, the records copied shall be maintained as  
180 confidential so as to protect the doctor/patient privilege. The  
181 medical examiners shall be authorized to request the issuance of  
182 subpoenas, through the proper court, for the attendance of persons  
183 and for the production of documents as may be required by their  
184 investigation.

185 (b) Complete the medical examiner's portion of the  
186 certificate of death within seventy-two (72) hours of assuming  
187 jurisdiction over a death, and forward the certificate to the  
188 funeral director or to the family. The medical examiner's portion  
189 of the certificate of death shall include the decedent's name, the

190 date and time of death, the cause of death and the certifier's  
191 signature. If determination of the cause and/or manner of death  
192 are pending an autopsy or toxicological or other studies, these  
193 sections on the certificate may be marked "pending," with  
194 amendment and completion to follow the completion of the  
195 postmortem studies. The State Medical Examiner shall be  
196 authorized to amend a death certificate; however, the State  
197 Medical Examiner is not authorized to change or amend any death  
198 certificate after he has resigned or been removed from his office  
199 as the State Medical Examiner. Where an attending physician  
200 refuses to sign a certificate of death, or in case of any death,  
201 the State Medical Examiner or properly qualified designee may sign  
202 the death certificate.

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

205 (d) In all investigations of deaths affecting the  
206 public interest where an autopsy will not be performed, obtain or  
207 attempt to obtain postmortem blood, urine and/or vitreous fluids.  
208 Medical examiners may also obtain rectal temperature measurements,  
209 known hair samples, radiographs, gunshot residue/wiping studies,  
210 fingerprints, palm prints and other noninvasive studies as the  
211 case warrants and/or as directed by the State Medical Examiner.  
212 Decisions shall be made in consultation with investigating law  
213 enforcement officials and/or the State Medical Examiner. The cost  
214 of all studies not performed by the Mississippi Forensics  
215 Laboratory shall be borne by the county. County medical examiner



216 investigators shall be authorized to obtain these postmortem  
217 specimens themselves following successful completion of the death  
218 investigation training school.

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

229 (f) Electronically report all deaths, and all  
230 associated toxicology reports, that occur in the examiner's county  
231 to the State Medical Examiner in a manner prescribed by the State  
232 Medical Examiner.

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

235 **SECTION 3.** Section 13-1-23, Mississippi Code of 1972, is  
236 amended as follows:

237 13-1-23. (1) Except as otherwise provided in subsection (2)  
238 of this section, a \* \* \* person who shall remain beyond the sea,  
239 or absent himself or herself from this state, or conceal himself  
240 or herself in this state, for seven (7) years successively without  
241 being heard of, shall be presumed to be dead in any case

242 where \* \* \* the person's death shall come in question, unless  
243 proof be made that \* \* \* the person was alive within that time.  
244 Any property or estate recovered in any such case shall be  
245 restored to the person evicted or deprived thereof, if, in a  
246 subsequent action, it shall be proved that the person so presumed  
247 to be dead is living.

248 (2) (a) This subsection shall be known and may be cited as  
249 the "Zeb Hughes Law."

250 (b) A person who has undergone a catastrophic event  
251 that exposed the person to imminent peril or danger reasonably  
252 expected to result in loss of life and whose absence following the  
253 event is not explained satisfactorily after diligent search or  
254 inquiry is presumed to be dead if the sworn testimony of persons  
255 having firsthand knowledge of the event, including law enforcement  
256 officers, first responders, search and rescue personnel and  
257 volunteers, eyewitnesses and any other persons, along with any  
258 other evidence before the court, is uncontradicted and supports a  
259 determination that the death of the missing person occurred in the  
260 catastrophic event. The death is presumed to have occurred at the  
261 time of the catastrophic event.

262 (c) The hearing to review evidence of the catastrophic  
263 event shall be held no less than two (2) years after the  
264 catastrophic event. Loss of life shall be proven by clear and  
265 convincing evidence. A notice of the hearing shall be provided to  
266 the coroner, the district attorney and the sheriff of the county  
267 in which the catastrophic event occurred within thirty (30) days

268 of the date set for the hearing in accordance with the Mississippi  
269 Rules of Civil Procedure.

270 **SECTION 4.** The following shall be codified as Section  
271 41-57-8, Mississippi Code of 1972:

272 41-57-8. (1) When a death is presumed to have occurred  
273 under Section 13-1-23, the State Registrar of Vital Statistics  
274 shall prepare a death certificate upon receipt of an order of a  
275 court of competent jurisdiction within the state. The court order  
276 shall include the following:

277 (a) The decedent's full legal name;

278 (b) The date of death, as determined by the evidence  
279 presented;

280 (c) The place of death, as determined by the evidence  
281 presented;

282 (d) The decedent's address at the time of death;

283 (e) The decedent's marital status at the time of death;

284 (f) The given name of the decedent's surviving spouse,  
285 if any;

286 (g) If known, information necessary to complete the  
287 medical portion of the death certificate, including the cause and  
288 manner of death. If the death occurred from a catastrophic event,  
289 the court order must include information on how and when the event  
290 occurred; and

291 (h) Such other information that may be required under  
292 rules and regulations promulgated by the State Board of Health.

293 (2) A death certificate issued pursuant to this section must  
294 identify the court that issued the order on which the death  
295 certificate is based and include the date of the court order.

296 (3) The record of a death registered under this section must  
297 be marked "presumptive."

298 **SECTION 5.** This act shall take effect and be in force from  
299 and after July 1, 2024.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 41-61-59, MISSISSIPPI CODE OF 1972,  
2 TO ADD THE DEATH OF ANY PERSON UNDER THE AGE OF EIGHTEEN TO THE  
3 LIST OF DEATHS CATEGORIZED AS "AFFECTING PUBLIC INTEREST"; TO  
4 AMEND SECTION 41-61-63, MISSISSIPPI CODE OF 1972, TO REQUIRE  
5 COUNTY MEDICAL EXAMINERS TO ENTER ELECTRONICALLY THE INFORMATION  
6 FOR ALL DEATHS, AND ALL ASSOCIATED TOXICOLOGY REPORTS, THAT OCCUR  
7 IN THE EXAMINER'S COUNTY IN A MANNER PRESCRIBED BY THE STATE  
8 MEDICAL EXAMINER; TO AMEND SECTION 13-1-23, MISSISSIPPI CODE OF  
9 1972, TO CREATE AN EVIDENTIARY PRESUMPTION OF DEATH TO BE KNOWN AS  
10 THE "ZEB HUGHES LAW" WHENEVER UNCONTRADICTED SWORN TESTIMONY AND  
11 EVIDENCE SUPPORT A DETERMINATION OF THE DEATH OF A MISSING PERSON  
12 WHO HAS UNDERGONE A CATASTROPHIC EVENT THAT EXPOSED THE PERSON TO  
13 IMMINENT PERIL; TO CREATE NEW SECTION 41-57-8, MISSISSIPPI CODE OF  
14 1972, TO REQUIRE THE STATE REGISTRAR OF VITAL STATISTICS TO  
15 PREPARE A DEATH CERTIFICATE FOR A MISSING PERSON LEGALLY PRESUMED  
16 TO BE DEAD UPON RECEIPT OF A PROPER COURT ORDER; AND FOR RELATED  
17 PURPOSES.

SS36\HB1068A.2J

Amanda White  
Secretary of the Senate