

**Adopted
SUBSTITUTE NO 1 FOR COMMITTEE AMENDMENT NO 1 PROPOSED
TO**

House Bill No. 1068

BY: Senator(s) Barrett

**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.

