

By: Representatives Montgomery (15th),  
Mitchell

To: Fees and Salaries of  
Public Officers; County  
Affairs

HOUSE BILL NO. 453

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

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

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

8 41-61-59. (1) A person's death which affects the public  
9 interest as specified in subsection (2) of this section shall be  
10 promptly reported to the medical examiner by the physician in  
11 attendance, any hospital employee, any law enforcement officer  
12 having knowledge of the death, the embalmer or other funeral home  
13 employee, any emergency medical technician, any relative or any  
14 other person present. The appropriate medical examiner shall  
15 notify the municipal or state law enforcement agency or sheriff  
16 and take charge of the body.

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

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

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

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

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

27 (e) Death that has occurred unexpectedly or from an  
28 unexplained cause.



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

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

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

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

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

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

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

57 (3) The State Medical Examiner is empowered to investigate  
58 deaths, under the authority hereinafter conferred, in any and all  
59 political subdivisions of the state. The county medical examiners  
60 and county medical examiner investigators, while appointed for a  
61 specific county, may serve other counties on a regular basis with



62 written authorization by the State Medical Examiner, or may serve  
63 other counties on an as-needed basis upon the request of the  
64 ranking officer of the investigating law enforcement agency. The  
65 county medical examiner or county medical examiner investigator of  
66 any county which has established a regional medical examiner  
67 district under subsection (4) of Section 41-61-77 may serve other  
68 counties which are parties to the agreement establishing the  
69 district, in accordance with the terms of the agreement, and may  
70 contract with counties which are not part of the district to  
71 provide medical examiner services for such counties. If a death  
72 affecting the public interest takes place in a county other than  
73 the one where injuries or other substantial causal factors leading  
74 to the death have occurred, jurisdiction for investigation of the  
75 death may be transferred, by mutual agreement of the respective  
76 medical examiners of the counties involved, to the county where  
77 such injuries or other substantial causal factors occurred, and  
78 the costs of autopsy or other studies necessary to the further  
79 investigation of the death shall be borne by the county assuming  
80 jurisdiction.

81 (4) The chief county medical examiner or chief county  
82 medical examiner investigator may receive from the county in which  
83 he serves a salary of One Thousand Dollars (\$1,000.00) per month,  
84 in addition to the fees specified in Sections 41-61-69 and  
85 41-61-75, provided that no county shall pay the chief county  
86 medical examiner or chief county medical examiner investigator  
87 less than One Hundred Dollars (\$100.00) per month as a salary, in  
88 addition to other compensation provided by law. In any county  
89 having one or more deputy medical examiners or deputy medical  
90 examiner investigators, each deputy may receive from the county in  
91 which he serves, in the discretion of the board of supervisors, a  
92 salary of not more than One Thousand Dollars (\$1,000.00) per  
93 month, in addition to the fees specified in Sections 41-61-69 and  
94 41-61-75. For this salary the chief shall assure twenty-four-hour



95 daily and readily available death investigators for the county,  
96 and shall maintain copies of all medical examiner death  
97 investigations for the county for at least the previous five (5)  
98 years. He shall coordinate his office and duties and cooperate  
99 with the State Medical Examiner, and the State Medical Examiner  
100 shall cooperate with him.

101 (5) A body composed of the State Medical Examiner, whether  
102 appointed on a permanent or interim basis, the Director of the  
103 State Board of Health or his designee, the Attorney General or his  
104 designee, the President of the Mississippi Coroners' Association  
105 (or successor organization) or his designee, and a certified  
106 pathologist appointed by the Mississippi State Medical Association  
107 shall adopt, promulgate, amend and repeal rules and regulations as  
108 may be deemed necessary by them from time to time for the proper  
109 enforcement, interpretation and administration of Sections  
110 41-61-51 through 41-61-79, in accordance with the provisions of  
111 the Mississippi Administrative Procedures Law, being Section  
112 25-43-1 through 25-43-19.

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

120 **SECTION 3.** This act shall take effect and be in force from  
121 and after October 1, 2002, if it is effectuated on or before that  
122 date under Section 5 of the Voting Rights Act of 1965, as amended  
123 and extended. If it is effectuated under Section 5 of the Voting  
124 Rights Act of 1965, as amended and extended, after October 1,  
125 2002, this act shall take effect and be in force from and after  
126 the date it is effectuated under Section 5 of the Voting Rights  
127 Act of 1965, as amended and extended.

