

By: Representative McGee

To: Public Health and Human Services

HOUSE BILL NO. 1068

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 ELECTRONICALLY ENTER INFORMATION FOR  
6 ALL DEATHS THAT OCCUR IN THE EXAMINER'S COUNTY IN A MANNER  
7 PRESCRIBED BY THE STATE MEDICAL EXAMINER; AND FOR RELATED  
8 PURPOSES.

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

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

12 41-61-59. (1) A person's death that affects the public  
13 interest as specified in subsection (2) of this section shall be  
14 promptly reported to the medical examiner by the physician in  
15 attendance, any hospital employee, any law enforcement officer  
16 having knowledge of the death, the embalmer or other funeral home  
17 employee, any emergency medical technician, any relative or any  
18 other person present. The appropriate medical examiner shall  
19 notify the municipal or state law enforcement agency or sheriff  
20 and take charge of the body. When the medical examiner has  
21 received notification under Section 41-39-15(6) that the deceased



22 is medically suitable to be an organ and/or tissue donor, the  
23 medical examiner's authority over the body shall be subject to the  
24 provisions of Section 41-39-15(6). The appropriate medical  
25 examiner shall notify the Mississippi Bureau of Narcotics within  
26 twenty-four (24) hours of receipt of the body in cases of death as  
27 described in subsection (2)(m) or (n) of this section.

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

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

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

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

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

38 (e) Death that has occurred unexpectedly or from an  
39 unexplained cause.

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

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



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

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

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

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

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

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



70           (n) When a stillborn fetus is delivered and the cause  
71 of the demise is medically believed to be from the use by the  
72 mother of any controlled substance as defined in Section  
73 41-29-105.

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

75           (3) The State Medical Examiner is empowered to investigate  
76 deaths, under the authority hereinafter conferred, in any and all  
77 political subdivisions of the state. The county medical examiners  
78 and county medical examiner investigators, while appointed for a  
79 specific county, may serve other counties on a regular basis with  
80 written authorization by the State Medical Examiner, or may serve  
81 other counties on an as-needed basis upon the request of the  
82 ranking officer of the investigating law enforcement agency. If a  
83 death affecting the public interest takes place in a county other  
84 than the one where injuries or other substantial causal factors  
85 leading to the death have occurred, jurisdiction for investigation  
86 of the death may be transferred, by mutual agreement of the  
87 respective medical examiners of the counties involved, to the  
88 county where the injuries or other substantial causal factors  
89 occurred, and the costs of autopsy or other studies necessary to  
90 the further investigation of the death shall be borne by the  
91 county assuming jurisdiction.

92           (4) (a) In criminal trials where the testimony of a current  
93 or former State Medical Examiner, Deputy State Medical Examiner,  
94 or member of the Mississippi Forensics Laboratory is needed, the



95 use of audiovisual communications equipment to present such  
96 testimony remotely is allowed when the state has provided written  
97 notice to the defendant at least ninety (90) days prior to trial  
98 of its intent to present such remote testimony, and the defendant  
99 provides no written objection within fourteen (14) days of  
100 receiving such notice. Should the defendant object, the remote  
101 testimony shall only be permitted upon a finding by the court that  
102 the rights of the defendant to confront the witness against the  
103 defendant is not violated, that compelling circumstances exist to  
104 allow such remote testimony, and that the remote testimony can be  
105 provided with appropriate safeguards so as to assure the  
106 reliability of the testimony of the witness during the trial.

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

112 (5) The chief county medical examiner or chief county  
113 medical examiner investigator may receive from the county in which  
114 he serves a salary of One Thousand Two Hundred Fifty Dollars  
115 (\$1,250.00) per month, in addition to the fees specified in  
116 Sections 41-61-69 and 41-61-75, provided that no county shall pay  
117 the chief county medical examiner or chief county medical examiner  
118 investigator less than Three Hundred Dollars (\$300.00) per month  
119 as a salary, in addition to other compensation provided by law.



120 In any county having one or more deputy medical examiners or  
121 deputy medical examiner investigators, each deputy may receive  
122 from the county in which he serves, in the discretion of the board  
123 of supervisors, a salary of not more than Nine Hundred Dollars  
124 (\$900.00) per month, in addition to the fees specified in Sections  
125 41-61-69 and 41-61-75; however, no county shall pay the deputy  
126 medical examiners or deputy medical examiner investigators less  
127 than Three Hundred Dollars (\$300.00) per month as a salary in  
128 addition to other compensation provided by law. For this salary  
129 the chief shall assure twenty-four-hour daily and readily  
130 available death investigators for the county, and shall maintain  
131 copies of all medical examiner death investigations for the county  
132 for at least the previous five (5) years. He shall coordinate his  
133 office and duties and cooperate with the State Medical Examiner,  
134 and the State Medical Examiner shall cooperate with him.

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

137 41-61-63. (1) The State Medical Examiner shall:

138 (a) Provide assistance, consultation and training to  
139 county medical examiners, county medical examiner investigators  
140 and law enforcement officials.

141 (b) Keep complete records of all relevant information  
142 concerning deaths or crimes requiring investigation by the medical  
143 examiners.



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

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

159 (e) Promulgate rules and regulations regarding the  
160 manner in which county medical examiner investigators are required  
161 to electronically enter information for all deaths that occur in  
162 the investigator's county.

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

164 (a) Upon receipt of notification of a death affecting  
165 the public interest, make inquiries regarding the cause and manner  
166 of death, reduce the findings to writing and promptly make a full  
167 report to the State Medical Examiner on forms prescribed for that  
168 purpose. The medical examiner shall be authorized to inspect and



169 copy the medical reports of the decedent whose death is under  
170 investigation. However, the records copied shall be maintained as  
171 confidential so as to protect the doctor/patient privilege. The  
172 medical examiners shall be authorized to request the issuance of  
173 subpoenas, through the proper court, for the attendance of persons  
174 and for the production of documents as may be required by their  
175 investigation.

176 (b) Complete the medical examiner's portion of the  
177 certificate of death within seventy-two (72) hours of assuming  
178 jurisdiction over a death, and forward the certificate to the  
179 funeral director or to the family. The medical examiner's portion  
180 of the certificate of death shall include the decedent's name, the  
181 date and time of death, the cause of death and the certifier's  
182 signature. If determination of the cause and/or manner of death  
183 are pending an autopsy or toxicological or other studies, these  
184 sections on the certificate may be marked "pending," with  
185 amendment and completion to follow the completion of the  
186 postmortem studies. The State Medical Examiner shall be  
187 authorized to amend a death certificate; however, the State  
188 Medical Examiner is not authorized to change or amend any death  
189 certificate after he has resigned or been removed from his office  
190 as the State Medical Examiner. Where an attending physician  
191 refuses to sign a certificate of death, or in case of any death,  
192 the State Medical Examiner or properly qualified designee may sign  
193 the death certificate.





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

196 (d) In all investigations of deaths affecting the  
197 public interest where an autopsy will not be performed, obtain or  
198 attempt to obtain postmortem blood, urine and/or vitreous fluids.  
199 Medical examiners may also obtain rectal temperature measurements,  
200 known hair samples, radiographs, gunshot residue/wiping studies,  
201 fingerprints, palm prints and other noninvasive studies as the  
202 case warrants and/or as directed by the State Medical Examiner.  
203 Decisions shall be made in consultation with investigating law  
204 enforcement officials and/or the State Medical Examiner. The cost  
205 of all studies not performed by the Mississippi Forensics  
206 Laboratory shall be borne by the county. County medical examiner  
207 investigators shall be authorized to obtain these postmortem  
208 specimens themselves following successful completion of the death  
209 investigation training school.

210 (e) In all investigations of deaths occurring in the  
211 manner specified in subsection (2)(j) of Section 41-61-59, a death  
212 investigation shall be performed by the medical examiners in  
213 accordance with the child death investigation protocol established  
214 by the State Medical Examiner. The results of the death  
215 investigation shall be reported to the State Medical Examiner on  
216 forms prescribed for that purpose by the State Medical Examiner  
217 and to appropriate authorities, including police and child



218 protective services, within three (3) days of the conclusion of  
219 the death investigation.

220 (f) Electronically report all deaths that occur in the  
221 examiner's county to the State Medical Examiner in a manner  
222 prescribed by the State Medical Examiner.

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

225 **SECTION 3.** This act shall take effect and be in force from  
226 and after July 1, 2024.

