

Senate Bill 496

By: Senators Burke of the 11th, Watson of the 1st, Tillery of the 19th, Kirkpatrick of the 32nd, Hufstetler of the 52nd and others

**AS PASSED**

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 2 of Chapter 16 of Title 45 of the Official Code of Georgia Annotated,  
2 relating to death investigations, so as to require a medical examiner's inquiry when a  
3 pregnant female dies and an inquest; to provide for related matters; to repeal conflicting laws;  
4 and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Article 2 of Chapter 16 of Title 45 of the Official Code of Georgia Annotated, relating to  
8 death investigations, is amended by revising Code Section 45-16-24, relating to notification  
9 of suspicious or unusual deaths, court ordered medical examiner's inquiry, and written report  
10 of inquiry, as follows:

11 "45-16-24.

12 (a) When any individual dies in any county in this state:

13 (1) As a result of violence;

14 (2) By suicide or casualty;

15 (3) Suddenly when in apparent good health;

- 16 (4) In any suspicious or unusual manner, with particular attention to those individuals  
 17 16 years of age and under;
- 18 (5) After birth but before seven years of age if the death is unexpected or unexplained;
- 19 (6) As a result of an execution carried out pursuant to the imposition of the death penalty  
 20 under Article 2 of Chapter 10 of Title 17;
- 21 (7) When an inmate of a state hospital or a state, county, or city penal institution;
- 22 (8) After having been admitted to a hospital in an unconscious state and without  
 23 regaining consciousness within 24 hours of admission;
- 24 (9) As a result of an apparent drug overdose; or
- 25 (10) Who is a pregnant female or a female who was pregnant within 365 days prior to  
 26 such female's death; provided, however, that this paragraph shall not apply to a female  
 27 whose death resulted from an incidental or accidental cause, including a motor vehicle  
 28 accident, or from any other event or condition where it is apparent that the death was not  
 29 causally related to the care of or physiology of pregnancy or its maintenance; or
- 30 ~~(10)~~(11) When unattended by a physician,  
 31 it shall be the duty of any law enforcement officer or other person having knowledge of  
 32 such death to notify immediately the coroner or county medical examiner of the county in  
 33 which the acts or events resulting in the death occurred or the body is found. For ~~the~~  
 34 purposes of ~~this Code section~~ paragraph (11) of this subsection, no individual shall be  
 35 deemed to have died unattended by a physician when the death occurred while he or she  
 36 was a patient of a hospice licensed under Article 9 of Chapter 7 of Title 31. For purposes  
 37 of paragraph (11) of this subsection, an individual shall be deemed to have died unattended  
 38 by a physician when any such individual had not been seen or treated by a physician within  
 39 the 180 days prior to such individual's death for a condition or illness likely to have caused  
 40 or contributed to such individual's death.
- 41 (b) A coroner or county medical examiner who is notified of a death pursuant to  
 42 subsection (a) of this Code section under circumstances specified in paragraphs (1) through

43 (9) of such subsection shall order a medical examiner's inquiry of that death. A coroner or  
44 medical examiner who is notified of a death pursuant to subsection (a) of this Code section  
45 under circumstances specified in paragraph (10) of such subsection and which death was  
46 not under circumstances specified in paragraphs (1) through (9) of such subsection shall  
47 order a medical examiner's inquiry for such death through a regional perinatal center, as  
48 identified by the Department of Public Health. This subsection shall not be construed to  
49 prohibit a medical examiner's inquiry of a death if a coroner or county medical examiner  
50 is notified of a death under circumstances specified in paragraph ~~(10)~~(11) of subsection (a)  
51 of this Code section.

52 (c) Whenever an affidavit is made and filed with a court having criminal jurisdiction  
53 attesting that a person came to his or her death by foul play, that court may interrogate and  
54 examine witnesses, if any exist, as to the necessity of a medical examiner's inquiry. Should  
55 the court decide that a medical examiner's inquiry is essential to the ends of justice, such  
56 inquiry shall be ordered by that court.

57 (d) A medical examiner's inquiry required under this Code section shall be reduced to  
58 writing and filed as provided in Code Section 45-16-32. At the time of such filing, a copy  
59 of the medical examiner's inquiry into a death reported to a coroner or county medical  
60 examiner pursuant to paragraph ~~(6)~~(5) of subsection (a) of this Code section shall also be  
61 transmitted to the department of family and children services of the county in which the  
62 child resided at the time of death."

63

## SECTION 2.

64 Said article is further amended by revising subsection (a) of Code Section 45-16-27, relating  
65 to when inquest to be held, special situations, coroner's fee, issuance of subpoenas, cost of  
66 copying, and limited disclosure of photographs, as follows:

67 "(a) Coroners shall require an inquest to be conducted in their respective counties as  
68 follows:

69 (1) When any individual dies under any circumstances specified in paragraphs (1)  
70 through ~~(10)~~(11) of subsection (a) of Code Section 45-16-24; provided, however, that an  
71 inquest shall not be required to be held, although the coroner shall be authorized to hold  
72 an inquest, under the following circumstances:

73 (A) When upon the completion of the medical examiner's inquiry the peace officer in  
74 charge and the medical examiner are satisfied that, even though death resulted from  
75 violence, no foul play was involved. In this event, the peace officer in charge and the  
76 medical examiner shall make a written report of their investigation and findings to the  
77 division as set forth in Code Section 45-16-32, and upon their recommendation, the  
78 coroner shall make and file a proper death certificate;

79 (B) When there is sufficient evidence to establish the cause and manner of death, even  
80 though the medical examiner's inquiry revealed that death resulted from foul play;

81 (C) When no demand for an inquest is made within 30 days after the filing of the death  
82 certificate. However, if such demand is made by the party or parties affected by the  
83 death, the coroner shall be authorized to hold the inquest;

84 (D) When upon the completion of the medical examiner's inquiry the medical examiner  
85 and peace officer in charge are sufficiently satisfied that death resulted from natural  
86 causes, and that medical examiner or coroner is willing to and does sign and file a  
87 proper death certificate, and no demand for an inquest is made within 30 days  
88 thereafter;

89 (D.1) In cases of deaths resulting from an accident involving any civil aircraft, it shall  
90 be the responsibility of the peace officer in charge to notify the National Transportation  
91 Safety Board or the Federal Aviation Administration of such accident, to proceed to the  
92 scene and guard the area in such manner that no bodies, wreckage, cargo, or mail shall  
93 be moved or disturbed until authorized by a representative of the National  
94 Transportation Safety Board or the Federal Aviation Administration except to the extent  
95 necessary to remove individuals injured or trapped, to protect the wreckage from further

96 damage, or to protect the public from injury. When it is necessary to move aircraft  
97 wreckage, mail, or cargo, sketches, descriptive notes, and photographs shall be made,  
98 if possible, of the original positions and condition of the wreckage and any significant  
99 impact marks. The coroner or medical examiner shall assist investigators from the  
100 National Transportation Safety Board or the Federal Aviation Administration as  
101 authorized by federal law;

102 (E) When after full and complete investigation no evidence of foul play is found in  
103 cases of hidden cause of death which fall under the jurisdiction of the coroner. The  
104 coroner shall be authorized to sign the death certificate on the basis of the information  
105 given to him or her in the reports of the peace officer in charge and the medical  
106 examiner, provided that, in such hidden causes of death, after a complete investigation,  
107 if sufficient medical history is obtained by the coroner, the peace officer in charge, or  
108 the medical examiner to disclose the cause of death and if the attending physician will  
109 sign the death certificate, such cases shall not come under the jurisdiction of the  
110 coroner; provided, further, that, if there are sufficient competent eyewitnesses to an act  
111 in the opinion of the peace officer in charge, such cases shall not come under the  
112 jurisdiction of the coroner; or

113 (F) In cases of deaths of personnel in the armed forces of the United States government  
114 resulting from airplane disasters involving airplanes of the armed forces, including  
115 crashes or explosions, which deaths shall not come under the jurisdiction of the coroner.  
116 It shall be the responsibility of the peace officer in charge to notify the proper armed  
117 forces of the United States government immediately of such airplane crashes or  
118 explosions in order that they may send their trained forces to the scene for investigation.  
119 It shall be the duty of the peace officer in charge, when notified of such crashes or  
120 explosions, to proceed to the scene and guard the area in such manner that no bodies  
121 or parts of said airplanes shall be moved or disturbed until the arrival of proper  
122 investigating officers from the armed forces of the United States government;

123 (2) When an inmate of a state hospital or a state, county, or city penal institution dies  
124 unexpectedly without an attending physician or as a result of violence. The chief medical  
125 examiner or his or her designee, regional medical examiner, or local medical examiner  
126 shall perform all medical examiners' inquiries. The coroner, in those counties in which  
127 such office has not been replaced by a local medical examiner, shall hold an inquest after  
128 receiving the written reports as set forth in Code Section 45-16-32;

129 (3) When ordered by a court in connection with a medical examiner's inquiry ordered by  
130 that court pursuant to subsection (c) of Code Section 45-16-24; or

131 (4) Notwithstanding any other provisions of this subsection, no individual shall be  
132 deemed to have died unattended by a physician when the death occurred while he or she  
133 was a patient of a hospice licensed under Article 9 of Chapter 7 of Title 31."

134

**SECTION 3.**

135 All laws and parts of laws in conflict with this Act are repealed.