

Senate Bill 383

By: Senators Davis of the 22nd, Stone of the 23rd, Bethel of the 54th and Miller of the 49th

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 45-16-25 of the Official Code of Georgia Annotated, relating to
2 duties of coroner or county medical examiner upon receipt of notice of suspicious or unusual
3 death, authority to embalm body, identification, inventory and disposition of deceased's
4 property, use of deceased's property for evidence, and autopsy when death occurs on state
5 owned property, so as to provide that property of value of a deceased person of which a
6 coroner or medical examiner takes possession shall not be converted to the coroner or
7 medical examiner's personal use; to provide that property of value of which the coroner or
8 medical examiner takes possession for use in determining the cause or manner of death of
9 the deceased or to identify the deceased shall be returned to the next of kin of the deceased
10 when no longer needed in the investigation or for evidence in a prosecution; to provide for
11 penalties; to provide for related matters; to provide an effective date; to repeal conflicting
12 laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 style="text-align:center">**SECTION 1.**

15 Code Section 45-16-25 of the Official Code of Georgia Annotated, relating to duties of
16 coroner or county medical examiner upon receipt of notice of suspicious or unusual death,
17 authority to embalm body, identification, inventory and disposition of deceased's property,
18 use of deceased's property for evidence, and autopsy when death occurs on state owned
19 property, is amended by revising subsection (c) as follows:

20 "(c) The coroner or county medical examiner shall, in the absence of the next of kin of the
21 deceased person, take possession of all property of value found on such person, make an
22 exact inventory thereof on his or her report, and surrender the same to the person entitled
23 to its custody or possession. In no circumstance shall any property of value found on or
24 belonging to the deceased be converted to the personal use of the coroner or county
25 medical examiner. The coroner, medical examiner, or peace officer shall take possession
26 of any objects, anatomical specimens, or articles which, in his or her opinion, may be

27 helpful in establishing the cause of death, manner of death, or identification of the
28 deceased; and in cooperation with a forensic laboratory he or she may make such tests and
29 examinations of said objects, specimens, or articles as may be necessary or useful in
30 determining the cause of death, manner of death, or the identity of the deceased. At his or
31 her discretion, the medical examiner or coroner may dispose of such objects, specimens,
32 or articles when the medical examiner's or coroner's need for their retention has ended,
33 provided that any property of value shall be returned to the next of kin of the deceased
34 when no longer needed in the investigation or for evidence in a prosecution. Any coroner
35 who converts property of a deceased to his or her personal use shall be guilty of a violation
36 of Code Section 16-18-4 and upon conviction shall be punished as provided in paragraph
37 (3) of subsection (a) of Code Section 16-18-12. In the event that a criminal prosecution
38 arises, all such objects and articles together with reports of any examinations made upon
39 them shall be retained in the custody of the investigating agency or the forensic laboratory
40 which conducted the examination until their production as evidence is required by the
41 prosecuting officer or upon written order of the peace officer in charge or court having
42 proper jurisdiction."

43 **SECTION 2.**

44 This Act shall become effective upon its approval by the Governor or upon its becoming law
45 without such approval.

46 **SECTION 3.**

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