

HOUSE BILL No. 2460

By Committee on Appropriations

2-8

AN ACT concerning district coroners; relating to notification and investigation of deaths; amending K.S.A. 2000 Supp. 22a-230, 22a-231 and 22a-232 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2000 Supp. 22a-230 is hereby amended to read as follows: 22a-230. (a) The coroner may hold an inquest upon the dead bodies of such persons whose deaths appear to have been caused by unlawful means when the circumstances relating to such deaths are unknown. The inquest shall be held in accordance with the provisions of this section. Except as provided in subsection (b), upon being notified of any such death occurring within the district, if an inquest is to be held, the coroner shall summon a jury of six residents of the county in which the death occurred, at a time and place named, for the purpose of inquiring into the cause of death. In any other case in which this act requires that the coroner be notified, the coroner may also summon six citizens of the county to appear at a time and place named.

(b) When the coroner has been notified of any death as provided in subsection (a), and the cause of such death occurred in a county other than the county in which the death occurred, the coroner of the county in which the cause of death occurred shall take the responsibility of summoning a jury as provided in subsection (a) for the purpose of inquiring into the death, ~~if requested to do so by the coroner of the county in which the death occurred.~~

(c) If any juror fails to appear, the coroner shall summon the proper number from bystanders immediately, and proceed to impanel them and administer the following oath, in substance: "You do solemnly swear (or affirm) that you will diligently inquire and true presentment make, when, how and by what means the person whose body lies here dead came to death, according to your knowledge, and evidence given you. So help you God."

(d) The coroner may issue subpoenas for witnesses, returnable ~~forth~~ ~~with~~ *immediately*, or at such time and place as the coroner shall ~~therein~~ direct. Witnesses shall be allowed the fees provided in K.S.A. 28-125 and amendments thereto. In cases of disobedience of the coroner's subpoena,

1 it shall be the duty of the judge of the district court, on application of the
2 coroner, to compel obedience to the coroner's subpoena by indirect pro-
3 ceedings for contempt as in cases of disobedience of a subpoena issued
4 from the district court.

5 (e) An oath shall be administered to the witness, in substance as fol-
6 lows: "You do solemnly swear (or affirm) that the testimony which you
7 shall give to this inquest, concerning the death of the person here lying
8 dead, shall be the truth, the whole truth, and nothing but the truth. So
9 help you God."

10 (f) The testimony shall be reduced to writing, under the coroner's
11 order, and subscribed by the witness.

12 (g) The jurors, having inspected the body, if available, heard the tes-
13 timony, and made all needful inquiries, shall return to the coroner their
14 inquisition in writing, under their hands, in substance as follows, and
15 stating the matter in the following form suggested, as far as found:

16 State of Kansas, _____ County.

17 An inquisition held at _____, in _____ county, on the _____
18 day of _____, A.D., year _____, before me, _____ coroner of such county, on
19 the body of _____ (or, a person unknown), there lying dead; by the jurors whose
20 names are hereunto subscribed. The jurors, upon their oaths, do say (here state when, how,
21 by what person, means, weapon or accident the person died, and whether feloniously). In
22 testimony whereof, the jurors have hereunto subscribe, the day and year aforesaid. Which
23 shall be attested by the coroner.

24 (h) If the inquisition finds a crime has been committed on the de-
25 ceased, and name the person the jury believes has committed the crime,
26 the inquest shall not be made public until after the arrest directed in the
27 next subsection.

28 (i) If the person charged is present, the coroner may order the person
29 arrested by an officer or any other person, and shall then make a warrant
30 requiring the officer or other person to take the arrested person before
31 a judge of a court of competent jurisdiction.

32 (j) If the person charged is not present, the coroner may issue a war-
33 rant to the sheriff of the county, directing the sheriff to arrest the person
34 and take the arrested person before a judge of a court of competent
35 jurisdiction.

36 (k) The warrant of a coroner in the above case shall be of equal au-
37 thority with that of a judge of a court of competent jurisdiction. When
38 the person charged is brought before the court, the person charged shall
39 be dealt with as a person held under a complaint in the usual form.

40 (l) The warrant of the coroner shall recite substantially the transaction
41 before the coroner, and the verdict of the jury of inquest leading to the
42 arrest. The warrant shall be a sufficient foundation for the proceeding of
43 the court instead of a complaint.

1 (m) The coroner shall then return to the clerk of the district court
2 the inquisition, the written evidence and a list of the witnesses who tes-
3 tified to material matters.

4 (n) The district coroner shall receive such compensation, in addition
5 to other compensation provided by law for the coroner, for holding an
6 inquest as specified by the county commissioners of a single-county ju-
7 dicial district or the county commissioners of the county with the largest
8 population in multiple-county judicial districts.

9 Sec. 2. K.S.A. 2000 Supp. 22a-231 is hereby amended to read as
10 follows: 22a-231. When any person dies, or human body is found dead in
11 the state, and the death is suspected to have been the result of violence,
12 caused by unlawful means or by suicide, or by casualty, or suddenly when
13 the decedent was in apparent health, or when decedent was not regularly
14 attended by a licensed physician, or in any suspicious or unusual manner,
15 or when in police custody, or when in a jail or correctional institution, or
16 in any circumstances specified under K.S.A. 22a-242, and amendments
17 thereto, or when the determination of the cause of a death is held to be
18 in the public interest, the coroner or deputy coroner of the county in
19 which the *cause of death* occurred, if known, or if not known, the coroner
20 or deputy coroner of the county in which such dead body was found, shall
21 be notified by the physician in attendance, by any law enforcement offi-
22 cer, by the embalmer, by any person who is or may in the future be
23 required to notify the coroner or by any other person. ~~The coroner in the~~
24 ~~county of the cause of death shall decide if an investigation shall take~~
25 ~~place. If an investigation is authorized by the coroner of the county of~~
26 ~~cause of death, the coroner in the county of death shall undertake such~~
27 ~~investigation, with costs to be accounted to and reimbursed by the county~~
28 ~~of the cause of death. Investigation may include, but is not limited to,~~
29 ~~obtaining medical and law enforcement background information, exami-~~
30 ~~nation of the scene of the cause of death, inquest, autopsy, and other~~
31 ~~duties required of the coroner. If the coroner of the county of the cause~~
32 ~~of death requests an investigation, the coroner of the county of death~~
33 ~~shall be responsible for the investigation and the certification of death.~~

34 Sec. 3. K.S.A. 2000 Supp. 22a-232 is hereby amended to read as
35 follows: 22a-232. (a) Upon receipt of notice pursuant to K.S.A. 22a-231,
36 and amendments thereto, the coroner shall take charge of the dead body,
37 make inquiries regarding the cause of death and reduce the findings to a
38 report in writing. Such report shall be filed with the clerk of the district
39 court of the county in which the *cause of death* occurred if known, or if
40 not known the report shall be filed with the clerk of the district court of
41 the county in which the dead body was found. If the coroner determines
42 that the dead body is not a body described by K.S.A. 22a-231, and amend-
43 ments thereto, the coroner shall immediately notify the state historical

1 society.

2 (b) If in the opinion of the coroner information is present in the
3 coroner's report that might jeopardize a criminal investigation, the cor-
4 oner shall file the report with the clerk of the district court of such county
5 and designate such report as a criminal investigation record, pursuant to
6 subsection (a)(10) of K.S.A. 45-221, and amendments thereto.

7 (c) If a death investigation involves multiple jurisdictions, the coroner
8 notified under K.S.A. 22a-231, and amendments thereto, may transfer
9 jurisdiction to another jurisdiction if the coroners of both jurisdictions
10 agree to the transfer.

11 Sec. 4. K.S.A. 2000 Supp. 22a-230, 22a-231 and 22a-232 are hereby
12 repealed.

13 Sec. 5. This act shall take effect and be in force from and after its
14 publication in the statute book.

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