

## Senate Bill No. 1196

### CHAPTER 45

An act to amend Sections 27491 and 27520 of the Government Code, relating to local government.

[Approved by Governor June 30, 2008. Filed with  
Secretary of State June 30, 2008.]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 1196, Runner. Local government: coroners.

(1) Existing law requires the coroner to inquire into, and determine the circumstances, manner, and cause of, among others, all deaths where the deceased has not been attended by a physician in the 20 days before death.

This bill would instead require the coroner to inquire into, and determine the circumstances, manner, and cause of, among others, all deaths where the deceased has not been attended by either a physician or a registered nurse who is a member of a hospice care interdisciplinary team in the 20 days before death.

(2) Existing law requires the coroner to perform, or cause to be performed, an autopsy on a decedent if the surviving spouse, or other specified person if no surviving spouse exists, requests the coroner to do so.

This bill would require the coroner to perform an autopsy on a decedent for which an autopsy has not already been performed, if requested by the surviving spouse, or other specified person if no surviving spouse exists. The bill would authorize the coroner to perform an autopsy on a decedent for which an autopsy has already been performed, if requested by the surviving spouse, or other specified person if no surviving spouse exists.

*The people of the State of California do enact as follows:*

SECTION 1. Section 27491 of the Government Code is amended to read:

27491. It shall be the duty of the coroner to inquire into and determine the circumstances, manner, and cause of all violent, sudden, or unusual deaths; unattended deaths; deaths where the deceased has not been attended by either a physician or a registered nurse, who is a member of a hospice care interdisciplinary team, as defined by subdivision (e) of Section 1746 of the Health and Safety Code in the 20 days before death; deaths related to or following known or suspected self-induced or criminal abortion; known or suspected homicide, suicide, or accidental poisoning; deaths known or suspected as resulting in whole or in part from or related to accident or injury either old or recent; deaths due to drowning, fire, hanging, gunshot,

stabbing, cutting, exposure, starvation, acute alcoholism, drug addiction, strangulation, aspiration, or where the suspected cause of death is sudden infant death syndrome; death in whole or in part occasioned by criminal means; deaths associated with a known or alleged rape or crime against nature; deaths in prison or while under sentence; deaths known or suspected as due to contagious disease and constituting a public hazard; deaths from occupational diseases or occupational hazards; deaths of patients in state mental hospitals serving the mentally disabled and operated by the State Department of Mental Health; deaths of patients in state hospitals serving the developmentally disabled and operated by the State Department of Developmental Services; deaths under such circumstances as to afford a reasonable ground to suspect that the death was caused by the criminal act of another; and any deaths reported by physicians or other persons having knowledge of death for inquiry by coroner. Inquiry pursuant to this section does not include those investigative functions usually performed by other law enforcement agencies.

In any case in which the coroner conducts an inquiry pursuant to this section, the coroner or a deputy shall personally sign the certificate of death. If the death occurred in a state hospital, the coroner shall forward a copy of his or her report to the state agency responsible for the state hospital.

The coroner shall have discretion to determine the extent of inquiry to be made into any death occurring under natural circumstances and falling within the provisions of this section, and if inquiry determines that the physician of record has sufficient knowledge to reasonably state the cause of a death occurring under natural circumstances, the coroner may authorize that physician to sign the certificate of death.

For the purpose of inquiry, the coroner shall have the right to exhume the body of a deceased person when necessary to discharge the responsibilities set forth in this section.

Any funeral director, physician, or other person who has charge of a deceased person's body, when death occurred as a result of any of the causes or circumstances described in this section, shall immediately notify the coroner. Any person who does not notify the coroner as required by this section is guilty of a misdemeanor.

SEC. 2. Section 27520 of the Government Code is amended to read:

27520. (a) The coroner shall perform or cause to be performed an autopsy on a decedent, for which an autopsy has not already been performed, if the surviving spouse requests him to do so in writing. If there is no surviving spouse, the coroner shall perform the autopsy if requested to do so in writing by a surviving child or parent, or if there is no surviving child or parent, by the next of kin of the deceased.

(b) The coroner may perform or cause to be performed an autopsy on a decedent, for which an autopsy has already been performed, if the surviving spouse requests him to do so in writing. If there is no surviving spouse, the coroner may perform the autopsy if requested to do so in writing by a surviving child or parent, or if there is no surviving child or parent, by the next of kin of the deceased.

(c) The cost of an autopsy requested pursuant to either subdivision (a) or (b) shall be borne by the person requesting that it be performed.

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