

1 **MEDICAL EXAMINER AMENDMENTS**

2 2021 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Merrill F. Nelson**

5 Senate Sponsor: Daniel W. Thatcher

7 **LONG TITLE**

8 **§→ [Committee Note:**

9 ~~———— The Law Enforcement and Criminal Justice Interim Committee recommended this bill.~~

10 ~~———— Legislative Vote: 15 voting for 0 voting against 1 absent] ←§~~

11 **General Description:**

12 This bill amends the Utah Medical Examiner Act.

13 **Highlighted Provisions:**

14 This bill:

- 15 ▶ requires the chief medical examiner to investigate deaths resulting directly from
- 16 actions of a law enforcement officer;
- 17 ▶ prohibits providing false information to the chief medical examiner, establishing a
- 18 criminal penalty; and
- 19 ▶ makes technical changes.

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **26-4-7**, as last amended by Laws of Utah 2012, Chapter 183

27 **26-4-10**, as enacted by Laws of Utah 1981, Chapter 126



28

29 *Be it enacted by the Legislature of the state of Utah:*

30 Section 1. Section **26-4-7** is amended to read:

31 **26-4-7. Custody by medical examiner.**

32 Upon notification under Section **26-4-8** or investigation by the medical examiner's
33 office, the medical examiner shall assume custody of a deceased body if it appears that death
34 ~~[was]~~:

35 (1) ~~was~~ by violence, gunshot, suicide, or accident;

36 (2) ~~was~~ sudden death while in apparent good health;

37 (3) ~~occurred~~ unattended ~~[deaths]~~, except that an autopsy may only be performed in
38 accordance with the provisions of Subsection **26-4-9(3)**;

39 (4) ~~occurred~~ under suspicious or unusual circumstances;

40 (5) ~~[resulting]~~ ~~resulted~~ from poisoning or overdose of drugs;

41 (6) ~~[resulting from diseases]~~ ~~resulted from a disease~~ that may constitute a threat to the
42 public health;

43 (7) ~~[resulting]~~ ~~resulted~~ from disease, injury, toxic effect, or unusual exertion incurred
44 within the scope of the decedent's employment;

45 (8) ~~was~~ due to sudden infant death syndrome;

46 (9) ~~[resulting]~~ ~~occurred~~ while the decedent was in prison, jail, police custody, the state
47 hospital, or in a detention or medical facility operated for the treatment of persons with a
48 mental illness, persons who are emotionally disturbed, or delinquent persons;

49 (10) ~~resulted directly from the actions of a law enforcement officer, as defined in~~
50 Section **53-13-103**;

51 ~~[(+)]~~ (11) ~~was~~ associated with diagnostic or therapeutic procedures; or

52 ~~[(+)]~~ (12) ~~was~~ described in this section when request is made to assume custody by a
53 county or district attorney or law enforcement agency in connection with a potential homicide
54 investigation or prosecution.

55 Section 2. Section **26-4-10** is amended to read:

56 **26-4-10. Certification of cause of death.**

57 ~~[The certification of the cause of death under any of the circumstances listed in Section~~
58 ~~**26-4-7** shall only be made by the medical examiner or his designated representative.]~~

59 ~~Certification of the cause of death or signature on the certificate of death by any other person is~~
60 ~~a class B misdemeanor.]~~

61 (1) (a) For a death under any of the circumstances described in Section 26-4-7, only the
62 medical examiner or the medical examiner's designee may certify the cause of death.

63 (b) An individual who ~~§~~→ **knowingly** ←~~§~~ certifies the cause of death in violation of
63a Subsection (1)(a) is
64 guilty of a class B misdemeanor.

65 (2) (a) For a death described in Section 26-4-7, an individual may not knowingly give
66 false information, with the intent to mislead, to the medical examiner or the medical examiner's
67 designee.

68 (b) A violation of Subsection (2)(a) is a class B misdemeanor.