

MEDICAL EXAMINER AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Merrill F. Nelson

Senate Sponsor: Daniel W. Thatcher

LONG TITLE

Committee Note:

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

Legislative Vote: 15 voting for 0 voting against 1 absent

General Description:

This bill amends the Utah Medical Examiner Act.

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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



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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 certifies the cause of death in violation of 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.