

ENROLLED SENATE  
BILL NO. 1069

By: Coffee of the Senate

and

Rice and Graves of the  
House

An Act relating to deaths; amending 63 O.S. 1991, Section 938, which relates to death investigations; prohibiting autopsy on certain inmates except under specified conditions; prohibiting authorization or performance of autopsy as part of investigation following execution under a death sentence except under certain condition; construing provisions of subsection; setting parameters for authority to perform autopsy as part of specified investigation; requiring specified statement on certain certificates of death; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 63 O.S. 1991, Section 938, is amended to read as follows:

Section 938. A. All human deaths of the types listed herein shall be investigated as provided by ~~this act~~ law:

~~(a) violent~~ 1. Violent deaths, whether apparently homicidal, suicidal, or accidental, including but not limited to, deaths due to thermal, chemical, electrical, or radiational injury, and deaths due to criminal abortion, whether apparently self-induced or not;

~~(b) deaths~~ 2. Deaths under suspicious, unusual or unnatural circumstances;

~~(c) deaths~~ 3. Deaths related to disease which might constitute a threat to public health;

~~(d) deaths~~ 4. Deaths unattended by a licensed medical or osteopathic physician for a fatal or potentially-fatal illness;

~~(e) deaths~~ 5. Deaths of persons after unexplained coma;

~~(f) deaths~~ 6. Deaths that are medically unexpected and that occur in the course of a therapeutic procedure;

~~(g) deaths~~ 7. Deaths of any inmates occurring in any place of penal incarceration; and

~~(h) deaths~~ 8. Deaths of persons whose bodies are to be cremated, buried at sea, transported out of the state, or otherwise made ultimately unavailable for pathological study.

B. No autopsy shall be performed on the body of an executed inmate unless requested by the immediate family of the inmate prior to the execution or unless directed by the Department of Corrections or the Chief Medical Examiner. The Chief Medical Examiner shall not automatically authorize or perform an autopsy in conjunction with an investigation of death of an inmate that resulted from a scheduled execution due to a death sentence imposed pursuant to Title 21 of the Oklahoma Statutes. The Chief Medical Examiner may authorize or perform such an autopsy only when the public interest requires it. The provisions of this subsection shall not prohibit an inmate from donating, in writing, his or her body to a teaching medical institution for scientific or research purposes.

C. The Chief Medical Examiner shall state on the certificate of death of all persons whose death was caused by execution pursuant to a lawful court order that the cause of death was the execution of such order.

SECTION 2. This act shall become effective July 1, 2000.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 24th day of April, 2000.

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President of the Senate

Passed the House of Representatives the 5th day of April, 2000.

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Speaker of the House of Representatives

