OKLAHOMA STATE SENATE
GENERAL CONFERENCE COMMITTEE ON APPROPRIATIONS

Mr. President: Date: 5-12-2011

Mr. Speaker:

The Conference Committee, to which was referred

SB 250

By: Marlatt et al of the Senate and Armes et al of the House

Title: Office of the Chief Medical Examiner; modifying various provisions related to the office. Codification. Noncodification. Effective date.

together with Engrossed House Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the House recede from all Amendments.

2. That the attached Conference Committee Substitute be adopted.

SENATE CONFEREES:

Ballenger	Mazzei
Branan	Myers
Brinkley	Newberry
Burrage	Nichols
Crain	Paddack
Ford	Rice
Halligan	Stanislawski
Ivester	Sykes
Jolley	Wilson
Justice	Wyrick
Marlatt	

HOUSE CONFEREES:

Conference Committee on Public Safety, Judiciary and Military Affairs

ADOPTED & PASSED MAY 17 2011
Senate Action Date House Action Date

HOUSE CONFEREES

Jordan _____

Martin (Steve) _____

McCullough _____

Moore _____

Morrissette _____

Roan _____

Roberts (Dustin) _____

Schwartz _____

Sherrer _____

Sullivan _____

Tibbs _____

Wesselhoft _____

Williams _____

STATE OF OKLAHOMA

1st Session of the 53rd Legislature (2011)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 250

By: Marlatt, Ballenger, Garrison, Johnson (Constance), Paddack, Shortey, Brinkley and David of the Senate

and

Armes, Billy, Hilliard, Cockroft, McAffrey, Tibbs, Cox, Condit, Ritze, Scott, Sherrer, Roan and Hoskin of the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to the Chief Medical Examiner; creating the Chanda Turner Reform Act; providing short title; amending 63 O.S. 2001, Section 942, which relates to reports of findings; providing for the distribution of copies of reports; permitting certain appeal; providing for certain appeals process; requiring certain hearing; directing the court to make certain order in specified circumstance; permitting the appeal of certain reports made prior to specified date; providing for codification; providing for noncodification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Chanda Turner Reform Act".

SECTION 2. AMENDATORY 63 O.S. 2001, Section 942, is amended to read as follows:

Section 942. A. Upon completion of ~~his~~ an investigation, the medical examiner shall reduce his or her findings to writing upon the form supplied to ~~him~~ the medical examiner which shall be promptly sent to the Chief Medical Examiner by mail.

B. Copies of reports shall be furnished by the Chief Medical Examiner to investigating agencies having official interest therein. Copies of reports shall also be furnished to the spouse of the deceased or any person within one degree of consanguinity of the deceased upon request and within five (5) business days of the request once the cause and manner of death have been determined and the death certificate has been issued.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 942a of Title 63, unless there is created a duplication in numbering, reads as follows:

A. The spouse of the deceased or any person within one degree of consanguinity of the deceased may appeal the findings of the medical examiner to the district court of Oklahoma County under a petition for judicial review within two (2) years from the completion of the report. Such appeal shall be made in writing, shall state the nature and reasons for the appeal, and shall be

supported by affidavit. The burden of proof shall be on the petitioner to establish by a preponderance of the evidence that the death certificate is in error. The petitioner shall notify the Office of the Chief Medical Examiner in writing upon filing the petition for judicial review. No jury shall be impaneled and no monetary damages shall be awarded under a cause of action filed pursuant to this subsection.

B. The court shall conduct an evidentiary hearing. Should the court find that the findings of the medical examiner are erroneous, the court shall immediately order the Chief Medical Examiner to correct the report and transmit the appropriate paperwork to the State Department of Health for the correction of the death certificate.

C. Reports of the medical examiner made prior to November 1, 2011, may be appealed by the spouse of the deceased or any person within one degree of consanguinity of the deceased under the procedures specified in subsection A of this section. Appeals made pursuant to this subsection shall be filed no later than November 1, 2013.

SECTION 4. This act shall become effective November 1, 2011.

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