

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1352

6 By: McAffrey

7 COMMITTEE SUBSTITUTE

8 An Act relating to the Office of the Chief Medical
9 Examiner; amending 63 O.S. 2001, Sections 931, as
10 amended by Section 1, Chapter 410, O.S.L. 2005, 932,
11 933, 934, 935, as last amended by Section 5, Chapter
12 269, O.S.L. 2008, 936, 937, 939, 940, 941, 945, 947,
13 948, as amended by Section 1, Chapter 559, O.S.L.
14 2004, Section 2, Chapter 559, O.S.L. 2004, 949, as
15 amended by Section 1, Chapter 190, O.S.L. 2004, 950,
16 951 and 954 (63 O.S. Supp. 2010, Sections 931, 935,
17 948, 948.1 and 949), which relate to the Office of
18 Chief Medical Examiner; modifying membership of the
19 Board of Medicolegal Investigations; specifying
20 qualifications of designees to the Board; modifying
21 meeting requirements of the Board; authorizing
22 certain override; directing the Office to be
23 administered by the Chief Administrative Officer;
24 permitting the Chief Administrative Officer to employ
staff members; specifying certain requirements of the
Office; directing the Board to appoint the Chief
Administrative Officer; specifying minimum
qualifications of the Chief Administrative Officer;
making the Chief Administrative Officer responsible
to the Board for the administration of the Office;
specifying the duties of the Chief Administrative
Officer; specifying location of the Office;
authorizing certain contracts; specifying certain
limitation of the Chief Medical Examiner; making
language gender-neutral; requiring certain reports to
be completed and final; providing certain
interpretation; deleting language that allows next of
kin to designate a physician to be present during
autopsy; deleting language prohibiting certain fee;
providing for certain fee; requiring certain copies

1 of reports to be admitted in evidence; providing for
2 certain documents to be self-authenticating; deleting
3 language requiring certain documents to be admitted
4 in evidence; deleting language requiring certain
5 party to pay specified costs; stating that the Chief
6 Medical Examiner shall not be compelled to testify in
7 certain proceedings; permitting certain persons to
8 appeal specified findings to the Board; directing
9 certain members of the Board to investigate and
10 provide findings on the appeal; providing for
11 corrections of death certificates in certain
12 circumstances; permitting certain appeal to district
13 court; directing the Board to create certain form;
14 permitting certain appeals process for previous
15 decisions in specified circumstances; amending 10
16 O.S. 2001, Section 1150.4, which relates to child
17 death certificates; modifying statutory reference;
18 amending 12 O.S. 2001, Section 2902, as amended by
19 Section 63, Chapter 468, O.S.L. 2002 (12 O.S. Supp.
20 2010, Section 2902), which relates to self-
21 authentication; expanding list of documents which are
22 considered to be self-authenticating; amending 20
23 O.S. 2001, Section 1313.2, as last amended by Section
24 1, Chapter 442, O.S.L. 2009 (20 O.S. Supp. 2010,
Section 1313.2), which relates to definitions;
modifying statutory reference; amending 21 O.S. 2001,
Section 1154, which relates to autopsies; modifying
statutory reference; amending 21 O.S. 2001, Section
1168.4, which relates to discovery of human remains
or burial furniture; modifying statutory reference;
amending 63 O.S. 2001, Section 1-329.1, which relates
to disposal permits; modifying statutory references;
removing certain fee; amending 63 O.S. 2001, Section
2-315, which relates to controlled dangerous
substances; modifying statutory reference; providing
for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2001, Section 931, as
amended by Section 1, Chapter 410, O.S.L. 2005 (63 O.S. Supp. 2010,
Section 931), is amended to read as follows:

1 Section 931. The Board of Medicolegal Investigations is hereby
2 re-created. The members of the Board shall be:

3 1. ~~The Director of the State Bureau of Investigation, or a~~
4 ~~designee~~ A citizen member, not affiliated with any group similar to
5 other members, to be appointed by the Governor;

6 2. The State Commissioner of Health, or a designee;

7 3. ~~The Dean of the College of Medicine of the University of~~
8 ~~Oklahoma, or a designee;~~

9 4. ~~3.~~ The President or Dean Chair of the Department of
10 Pathology at the Oklahoma State University Center for Health
11 Sciences College of Osteopathic Medicine, or a designee;

12 5. ~~4.~~ The President of the Oklahoma Bar Association, or a
13 designee;

14 6. ~~5.~~ The President of the Oklahoma Osteopathic Association, or
15 a designee;

16 7. ~~6.~~ The President of the Oklahoma State Medical Association,
17 or a designee; and

18 8. ~~7.~~ A funeral director, as provided by Section 396.3 of Title
19 59 of the Oklahoma Statutes, criminal defense attorney licensed to
20 practice in this state with at least five (5) years of experience in
21 homicide cases, to be appointed by the Oklahoma State Board of
22 Embalmers and Funeral Directors Governor.

23 The Chief Medical Examiner shall be an ex officio nonvoting member
24 of the Board.

1 B. All designees on the Board shall have qualifications
2 equivalent or similar to those of the member. The Board shall elect
3 one of its members as chair and one of its members as vice-chair.
4 Members of the Board shall receive no compensation for their
5 services on this Board. Regular meetings of the Board shall be held
6 ~~at such times as determined by its members~~ quarterly, and special
7 meetings may be called by the chair. Four members shall constitute
8 a quorum.

9 SECTION 2. AMENDATORY 63 O.S. 2001, Section 932, is
10 amended to read as follows:

11 Section 932. A. The Board of Medicolegal Investigations is
12 hereby authorized to promulgate rules and regulations in accordance
13 with the Administrative Procedures Act necessary or appropriate to
14 carry out effectively the provisions of ~~this act~~ Section 931 et seq.
15 of this title. Such rules and regulations shall be filed with the
16 Secretary of State and shall not be effective until ten (10) days
17 after the date of filing. The Board shall, on the date of filing,
18 send a copy of the rules and regulations by the United States mail
19 to the state regulatory board the licensees of which are affected
20 thereby.

21 B. The Board is authorized to act as a checks and balances
22 system with authority to override any act by the Chief
23 Administrative Officer or the Medical Examiner that jeopardizes the
24

1 integrity or successful operation of the agency by a unanimous vote
2 of the Board.

3 SECTION 3. AMENDATORY 63 O.S. 2001, Section 933, is
4 amended to read as follows:

5 Section 933. A. The Office of the Chief State Medical Examiner
6 ~~of the State of Oklahoma~~ is hereby established to be operated under
7 the control and supervision of the Board. The Office shall be
8 directed by the ~~Chief Medical Examiner~~ Administrative Officer of the
9 Office of the State, ~~and the Chief Medical Examiner~~ who may employ
10 such other staff members as the Board shall specify.

11 B. The Office of the State Medical Examiner shall:

12 1. Be independent and autonomous from all other agencies in
13 this state;

14 2. Be directed by the Chief Administrative Officer of the
15 Office of the State Medical Examiner, who is appointed by the Board;
16 and

17 3. Obtain approval by the Legislature before closing any
18 satellite office.

19 SECTION 4. AMENDATORY 63 O.S. 2001, Section 934, is
20 amended to read as follows:

21 Section 934. A. The Board of Medicolegal Investigations shall
22 appoint the Chief Administrative Officer of the Office of the State
23 Medical Examiner who shall have a minimum of a masters degree in
24 business administration, management, or a related field from an

1 accredited four-year college or university and a minimum of five (5)
2 years' professional administrative experience as determined by the
3 Board. The Chief Administrative Officer shall be terminated only
4 for cause.

5 B. 1. The Board ~~of Medicolegal Investigations~~ shall appoint a
6 Chief Medical Examiner who shall be a physician licensed to practice
7 in Oklahoma and a diplomate of the American Board of Pathology or
8 the American Osteopathic Board of Pathology in forensic pathology.

9 2. The Chief Medical Examiner shall ~~serve at the pleasure of~~
10 ~~the Board~~ be terminated only for cause.

11 3. In addition to the duties prescribed by law, the Chief
12 Medical Examiner may teach in any medical school in this state and
13 conduct special classes for law enforcement officers.

14 SECTION 5. AMENDATORY 63 O.S. 2001, Section 935, as last
15 amended by Section 5, Chapter 269, O.S.L. 2008 (63 O.S. Supp. 2010,
16 Section 935), is amended to read as follows:

17 Section 935. A. 1. The Chief Administrative Officer of the
18 Office of the State Medical Examiner shall be directly responsible
19 to the Board of Medicolegal Investigations for the management and
20 administration of the Office of the State Medical Examiner.

21 2. The Chief Medical Examiner shall be directly responsible to
22 the Board for the performance of the duties provided for in ~~this act~~
23 Section 931 et seq. of this title and for the administration of the
24 ~~office of the Chief~~ Medical Staff of the Office of the State Medical

1 Examiner. The Chief Medical Examiner may, ~~however,~~ delegate
2 specific duties to competent and qualified deputies who may act for
3 the Chief Medical Examiner within the scope of the express authority
4 granted by the Chief Medical Examiner, subject, however, to such
5 rules as the Board may prescribe. The Chief Medical Examiner may
6 delegate specific duties to contracted individuals, provided they
7 are qualified to hold the positions. The Chief Medical Examiner
8 shall be responsible for establishing continuing education
9 requirements for medical staff including county medical examiners.

10 B. The Chief Administrative Office shall have responsibility
11 for, but not be limited to:

12 1. Establishing written professional qualification requirements
13 for each staff position related to the investigation of deaths,
14 including but not limited to laboratory personnel, and investigators
15 that are compatible with state and federal law;

16 2. Establishing minimum requirements for investigators. The
17 chief investigators shall ensure that all investigative personnel
18 earn classification as registered death investigators as soon as
19 possible, not to exceed twelve (12) months from having acquired the
20 minimum number of investigative hours needed for testing and that
21 all investigators receive mandatory annual training needed to
22 maintain certification;

23 3. Establishing continuing education requirements for
24 nonmedical staff positions related to the investigation of deaths;

1 4. Providing quarterly information to the Board regarding
2 operational statistics and issues, advancements in meeting agency
3 goals and benchmarks, critical issues affecting the progress and
4 success of the agency, personnel issues affecting operations, and
5 all complaints against the agency to be heard in executive session
6 during Board meetings;

7 5. Providing minutes of all Board meetings;

8 6. Directing administrative staff in adherence to all state and
9 federal laws associated with human resources, procurement, and
10 budgeting issues of the agency;

11 7. Setting the highest degree of professional standards for
12 investigative and support personnel in meeting the goals of the
13 agency;

14 8. Establishing professional policies and procedures that
15 provide guidance and direction to all agency personnel, including a
16 policy that mandates criminal history background checks of all
17 prospective employees of the agency;

18 9. Representing the Office of the State Medical Examiner before
19 all legislative bodies and committees addressing budgetary and
20 statutory issues; and

21 10. Supervising the activities of the Office of the State
22 Medical Examiner.

23 SECTION 6. AMENDATORY 63 O.S. 2001, Section 936, is
24 amended to read as follows:

1 Section 936. A. The Board shall provide for a central office
2 and shall see that there is maintained a laboratory suitably
3 equipped with facilities for performance of the duties imposed by
4 ~~this act~~ Section 931 et seq. of this title.

5 B. The office shall be located in close proximity to the
6 University of Central Oklahoma Forensic Science Institute.

7 C. The office is authorized to contract with independent third
8 parties, except for the Oklahoma State Bureau of Investigation
9 (OSBI) unless otherwise approved by the Legislature, for the
10 effective utilization of all available resources and programs.

11 SECTION 7. AMENDATORY 63 O.S. 2001, Section 937, is
12 amended to read as follows:

13 Section 937. The Chief Medical Examiner ~~shall~~ may appoint, with
14 the advice and consent of the Board of Medicolegal Investigations,
15 medical examiners for each county of the state. Each medical
16 examiner so appointed shall be a Doctor of Medicine or Osteopathy
17 and Surgery, shall hold a valid license to practice ~~his~~ the
18 profession in Oklahoma, and shall hold office at the pleasure of the
19 Board. In the event there is no qualified person in the county or
20 no person willing to serve as a medical examiner, or in the event
21 the medical examiner is absent from the county in which ~~he~~ the
22 medical examiner serves, or is ill or disqualified by personal
23 interest, the Chief Medical Examiner may ~~in his discretion~~ appoint
24 as a medical examiner for ~~such~~ the county a qualified person from

1 another county, or may direct a medical examiner from another county
2 to perform the duties of a medical examiner in both counties.
3 Nothing in this section or ~~act~~ Section 931 et seq. of this title
4 shall prohibit or restrict the Chief Medical Examiner from
5 appointing a medical examiner and directing ~~him~~ a medical examiner
6 to cross a county line. A medical examiner shall not be precluded
7 from holding other public offices created by the laws of the state.

8 SECTION 8. AMENDATORY 63 O.S. 2001, Section 939, is
9 amended to read as follows:

10 Section 939. A. The ~~Chief~~ Office of the State Medical Examiner
11 shall prepare and distribute to all medical examiners appropriate
12 forms to be used in filing reports of investigation, with
13 instructions as to their use, and detailed instructions as to the
14 nature, character, and extent of investigation and examination to be
15 made in each case in which investigation is required pursuant to
16 Sections 931 through 954 of this title.

17 B. Except as otherwise provided by law, the ~~Chief~~ Office of the
18 State Medical Examiner shall produce records, documents, evidence or
19 other material of any nature only upon the order of a court of
20 competent jurisdiction. An interested party or litigant in a civil
21 or criminal action may make application for an order to produce such
22 materials. The court, after notice to all parties, including the
23 Chief Medical Examiner, and a hearing on the application, may, upon
24 the showing of good cause, direct the release of a copy or any part

1 of such material. In addition, the court may also direct the
2 payment of reasonable costs by the requesting party for the
3 production of the material. The production of such material shall
4 take place at the Office of the Chief State Medical Examiner unless,
5 upon a showing of good cause, specifically ordered otherwise by the
6 court.

7 SECTION 9. AMENDATORY 63 O.S. 2001, Section 940, is
8 amended to read as follows:

9 Section 940. A. 1. All law enforcement officers and other
10 state and county officials shall cooperate with the Chief Medical
11 Examiner and all other medical examiners in making investigations
12 required pursuant to the provisions of Sections 931 through 954 of
13 this title. Said officials and the physician in attendance of the
14 deceased, or other persons when the deceased was unattended by a
15 physician, shall promptly notify the medical examiner of the
16 occurrence of all deaths coming to their attention which, pursuant
17 to the provisions of Sections 931 through 954 of this title, are
18 subject to investigation, and shall assist in making dead bodies and
19 related evidence available for investigation.

20 2. The scene of a death subject to the provisions of Sections
21 931 through 954 of this title shall not be disturbed until
22 authorized by the Chief Medical Examiner, ~~his~~ a designee, or a
23 county medical examiner, and the representative of any law
24 enforcement agency which has begun an investigation of the cause of

1 death. Said authorization may be given by telephone. Nothing in
2 Sections 931 through 954 of this title shall prevent the district
3 attorney or ~~his~~ a designee from authorizing the removal of a body
4 when the removal is determined by ~~him~~ such person to be in the
5 public interest and conditions at the scene are adequately
6 documented and preserved by photographs and measurements.

7 B. The death of any patient, inmate, ward, or veteran in a
8 state hospital or other institution, except Oklahoma Medical Center
9 Hospitals and Clinics thereof, shall be reported by the chief
10 administrative officer of the hospital or institution or ~~his~~ a
11 designee to the Office of the ~~Chief~~ State Medical Examiner at the
12 time of the death and prior to release of the body.

13 1. Within thirty-six (36) hours, a written report shall be
14 submitted and shall be accompanied by true and correct copies of all
15 medical records of the hospital or institution concerning the
16 deceased patient.

17 2. The Chief Medical Examiner shall have the authority to
18 require production of any records, documents, or equipment or other
19 items regarding the deceased patient deemed necessary to investigate
20 the death.

21 SECTION 10. AMENDATORY 63 O.S. 2001, Section 941, is
22 amended to read as follows:

23 Section 941. A. Upon receipt of notice of death of any person
24 which under this act is subject to investigation, the medical

1 examiner shall immediately conduct an investigation into the cause
2 and manner of death, and shall comply in detail with the
3 instructions of the ~~Chief~~ Office of the State Medical Examiner as
4 provided for in Section 939 of this title. ~~He~~ The medical examiner
5 may have fingerprints and photographs taken.—~~He~~ and may take charge
6 of any object or writing found on or near the body which ~~he deems~~ is
7 deemed necessary for the purpose of establishing the cause and/or
8 manner of death.

9 B. Upon conclusion of ~~his~~ the investigation and ~~his~~ the
10 determination that such objects or writings are no longer needed as
11 evidence, the medical examiner shall deliver them to the district
12 attorney for disposition.

13 C. The investigating medical examiner shall have access at all
14 times to any and all medical and dental records and history of the
15 deceased, including, but not limited to, radiographs and
16 electrocardiograms, in the course of ~~his~~ an official investigation
17 to determine the cause and manner of death. Such records may not be
18 released to any other person by the medical examiner, and the
19 custodians of ~~such~~ the records shall incur no liability by reason of
20 the release of ~~such~~ the records to the medical examiner.

21 D. The body of the deceased shall be turned over to the funeral
22 director designated by the person responsible for burial within
23 eighteen (18) hours unless a longer period is necessary to complete
24 the required investigation.

1 SECTION 11. AMENDATORY 63 O.S. 2001, Section 945, is
2 amended to read as follows:

3 Section 945. When properly authorized, an autopsy shall be
4 performed by the Chief Medical Examiner or such person as may be
5 designated by ~~him~~ the Chief Medical Examiner for such purpose. The
6 Chief Medical Examiner or a ~~person designated by him~~ designee may
7 authorize arterial embalming of the body prior to the autopsy when
8 such person determines that the embalming would ~~in his opinion~~ not
9 interfere with the autopsy. The autopsy shall be made of such parts
10 of the body as is deemed necessary by the person performing the
11 autopsy.

12 B. A full and complete report of the facts developed by the
13 autopsy together with the findings of the person ~~making it~~
14 performing the autopsy shall be prepared and filed in the Office of
15 the ~~Chief~~ State Medical Examiner without unnecessary delay. Copies
16 of such completed and final reports and findings shall be furnished
17 to district attorneys and law enforcement officers ~~making~~ conducting
18 a criminal investigation in connection with the death; provided,
19 however, this subsection shall not be construed to require copies of
20 incomplete or pending reports or any other documents covered by the
21 work-product doctrine to be furnished to such persons or entities.
22 ~~The next of kin, or any one of them if more than one, may designate~~
23 ~~a physician to be present when the autopsy is conducted.~~

24

1 SECTION 12. AMENDATORY 63 O.S. 2001, Section 947, is
2 amended to read as follows:

3 Section 947. A. The certification of death of any person whose
4 death is investigated under ~~this act~~ Section 931 et seq. of this
5 title shall be made by the Chief Medical Examiner, ~~his~~ a designee,
6 or the medical examiner who conducted the investigation, upon a
7 medical examiner death certificate provided by the State Registrar
8 of Vital Statistics. Such death certificates shall be valid only
9 when signed by a duly appointed medical examiner, the Chief Medical
10 Examiner, or ~~his~~ a designee. Copies of all ~~such~~ certificates shall
11 be forwarded immediately upon receipt by the State Registrar of
12 Vital Statistics to the Office of the ~~Chief~~ State Medical Examiner.

13 B. Any certification of death by an attending physician may be
14 referred by the State Registrar of Vital Statistics to the Chief
15 Medical Examiner for investigation and the amending of the original
16 certificate of death by the filing of a medical examiner death
17 certificate by the medical examiner or Chief Medical Examiner when
18 the death is determined by the Chief Medical Examiner to be one
19 properly requiring investigation under Section 938 of this title.

20 C. Medical examiner death certificates ~~will~~ shall not be
21 required in cases investigated solely for the purpose of issuing a
22 permit for transport of a body out of state.

23 ~~D. The Board of Medicolegal Investigations shall not charge a~~
24 ~~fee for out of state shipment of human remains whenever the Office~~

1 ~~of the Chief Medical Examiner has not been required to conduct an~~
2 ~~investigation of the death.~~

3 SECTION 13. AMENDATORY 63 O.S. 2001, Section 948, as
4 amended by Section 1, Chapter 559, O.S.L. 2004 (63 O.S. Supp. 2010,
5 Section 948), is amended to read as follows:

6 Section 948. A. For each investigation or partial
7 investigation in which the medical examiner is relieved by the Chief
8 Medical Examiner or a designee, the medical examiner shall receive
9 compensation for ~~such~~ services as provided in the rules approved and
10 promulgated by the Board of Medicolegal Investigations, from funds
11 appropriated to the Board ~~of Medicolegal Investigations~~. Where, in
12 the opinion of the Chief Medical Examiner, it is necessary to
13 designate a consultant pathologist to perform an autopsy, such
14 pathologist shall be entitled to a reasonable fee. Such fees shall
15 be payable from funds appropriated to the Board ~~of Medicolegal~~
16 ~~Investigation~~.

17 B. The Office of the ~~Chief State~~ Medical Examiner ~~(OCME)~~ (OSME)
18 shall store biological specimens in the control of the ~~OCME~~ OSME for
19 the potential purpose of independent analyses in matters of civil
20 law, only upon receipt of a written request for such storage and
21 payment of a storage fee. The fee shall be paid by the person
22 requesting storage to the Office of the ~~Chief State~~ Medical
23 Examiner. The Board shall promulgate rules establishing a fee for
24 storage of ~~such~~ biological specimens which shall not exceed One

1 Hundred Dollars (\$100.00) per year. All fees collected pursuant to
2 the provisions of this subsection shall be deposited to the credit
3 of the Office of the ~~Chief~~ State Medical Examiner Toxicology
4 Laboratory Revolving Fund.

5 C. 1. The Office of the ~~Chief~~ State Medical Examiner (~~OCME~~
6 OSME) is authorized to perform drug screens on specimens in the
7 custody of the ~~OCME~~ OSME, provided the request is made by an agency
8 or party authorized to receive such information. The ~~OCME~~ OSME may
9 limit drug screens within the technical and physical capabilities of
10 the ~~OCME~~ OSME.

11 2. The authorization for drug screens shall apply only to
12 specimens from cases already within the jurisdiction of the ~~OCME~~
13 OSME and only when the analyses are deemed by the Chief Medical
14 Examiner or Deputy Chief Medical Examiner not to conflict with any
15 investigation of the case by the state.

16 3. The Board of ~~Medicolegal Investigations~~ shall establish a
17 fee for drug screen services by rule. All fees collected pursuant
18 to the provisions of this subsection shall be deposited to the ~~Chief~~
19 Office of the State Medical Examiner Toxicology Laboratory Revolving
20 Fund.

21 SECTION 14. AMENDATORY Section 2, Chapter 559, O.S.L.
22 2004 (63 O.S. Supp. 2010, Section 948.1), is amended to read as
23 follows:
24

1 Section 948.1 A. The Board of Medicolegal Investigations may
2 establish a fee schedule for forensic services, permits and reports
3 rendered to members of the public and other agencies.

4 1. No fee schedule may be established or amended by the Board
5 except during a regular legislative session. The Board shall comply
6 with the Administrative Procedures Act for adoption of rules and
7 establishing or amending any ~~such~~ fee schedule.

8 2. Except as otherwise specified in this section, the Board
9 shall charge fees only within the following ranges:

- 10 a. ~~permit for cremations that occur within the state~~
11 death certificates signed by the Office of the State
12 Medical Examiner: One Hundred Dollars (\$100.00) ~~to~~
13 Two Hundred Dollars (\$200.00),
- 14 b. out-of-state shipment of human remains whenever the
15 Office of the State Medical Examiner has been required
16 to conduct an investigation of the death: One Hundred
17 Dollars (\$100.00) to Two Hundred Dollars (\$200.00),
- 18 c. forensic science service: One Hundred Dollars
19 (\$100.00) to Three Thousand Dollars (\$3,000.00),
- 20 ~~e.~~ d. report copies: Ten Dollars (\$10.00) for report of
21 investigation, including toxicology, and Twenty
22 Dollars (\$20.00) for an autopsy report, including
23 toxicology,
- 24 ~~d.~~ e. x-rays: Fifteen Dollars (\$15.00) each,

- 1 ~~e.~~ f. microscopic slides, Hematoxilyn and Eosin (H&E): Ten
2 Dollars (\$10.00) each,
3 ~~f.~~ g. special stains: Fifteen Dollars (\$15.00) each, and
4 ~~g.~~ h. photographs: Twenty-five Dollars (\$25.00) per
5 computer diskette (CD).

6 B. The Board shall base the fee schedule for forensic science
7 services, permits and reports upon reasonable costs of review,
8 investigation and forensic science service delivery; provided,
9 however, the fee schedule shall be within the ranges specified in
10 subsection A of this section. The Board shall continue a system of
11 basic and continuing educational service and training for all
12 personnel who render forensic science services in order to ensure
13 uniform statewide application of the rules of the Board. The Board
14 shall consider the reasonable costs associated with such training
15 and continuing education in setting the forensic science service
16 fees.

17 C. The Board may exempt by rule any agency or class of
18 individuals from the requirements of the fee schedule if the Board
19 determines that the fees would cause an unreasonable economic
20 hardship or would otherwise hinder or conflict with ~~an agency's~~
21 ~~responsibilities~~ the responsibility of an agency.

22 D. All statutory fees currently in effect for permits or
23 forensic science services administered by the ~~Chief~~ Office of the
24 State Medical Examiner and the Board of Medicolegal Investigations

1 within the jurisdiction of the Office of the ~~Chief~~ State Medical
2 Examiner shall remain in effect until such time as the Board acts to
3 implement new schedules pursuant to the provisions of ~~this act~~
4 Sections 948 and 948.1 of this title.

5 SECTION 15. AMENDATORY 63 O.S. 2001, Section 949, as
6 amended by Section 1, Chapter 190, O.S.L. 2004 (63 O.S. Supp. 2010,
7 Section 949), is amended to read as follows:

8 Section 949.

9 A. 1. a. The Office of the ~~Chief~~ State Medical Examiner shall
10 keep full and complete records, properly indexed,
11 giving the name, if known, of every person whose death
12 is investigated, the place where the body was found,
13 the date, cause, and manner of death and all other
14 relevant information concerning the death. The full
15 report and detailed findings of the autopsy, if any,
16 shall be a part of the record in each case.

17 b. The Chief Medical Examiner shall track and forward,
18 within seventy-two (72) hours after the examination,
19 demographic information on sudden, unexpected and
20 nontraumatic infant deaths including, but not limited
21 to, Sudden Infant Death Syndrome (SIDS), to the
22 Oklahoma SIDS Coordinator at the State Department of
23 Health and the SIDS Foundation of Oklahoma. As used
24 in this subparagraph, "Sudden Infant Death Syndrome

1 (SIDS)" means the sudden, unexpected death of an
2 apparently healthy infant less than one (1) year of
3 age which remains unexplained following a complete
4 medicolegal analysis and death scene investigation.
5 The Chief Medical Examiner shall follow up with
6 further notification upon final determination of a
7 cause of death. Such notification shall be for
8 statistical reporting purposes only.

9 2. The office shall promptly deliver to each district attorney
10 having jurisdiction of the case, copies of all records relating to a
11 death for which further investigation may be advisable. Any
12 district attorney or other law enforcement official may, upon
13 request, obtain copies of ~~such~~ records or other information deemed
14 necessary ~~to~~ for the performance of ~~such district attorney's or~~
15 ~~other law enforcement official's~~ official duties.

16 B. No report, findings, testimony, or other information of a
17 medical examiner shall be admitted in evidence in any civil action
18 in any court in this state, except under the following
19 circumstances:

20 1. Certified copies of reports pertaining to the factual
21 determinations of views and examination of or autopsies upon the
22 bodies of deceased persons by the Chief Medical Examiner, a medical
23 examiner, consultant pathologist, or anyone under their supervision
24 or control ~~may~~ shall be admitted in evidence in any civil case in a

1 court of competent jurisdiction in this state ~~by stipulation of all~~
2 ~~parties in the case.~~ Such certified copies of reports shall be
3 considered to be self-authenticating pursuant to Section 2902 of
4 Title 12 of the Oklahoma Statutes;

5 2. ~~If a party refuses to stipulate to admission, the reports~~
6 ~~may be requested by any party seeking to admit the records as~~
7 ~~evidence. The request shall be made to the Office of the Chief~~
8 ~~Medical Examiner, who shall furnish same;~~

9 3. ~~The party seeking admission of the reports shall then serve~~
10 ~~interrogatories concerning the facts to be answered under oath by~~
11 ~~the person preparing the records. The interrogatories and answers~~
12 ~~thereto shall be subject to the rules of evidence and may be~~
13 ~~admissible in evidence in any civil case in a court of competent~~
14 ~~jurisdiction. Objections to the interrogatories shall be made by~~
15 ~~any party in accordance with law just as if the interrogatories had~~
16 ~~been served on the objecting party. Cross interrogatories shall be~~
17 ~~submitted and shall be answered and admitted in evidence in the same~~
18 ~~manner as interrogatories;~~

19 4. ~~The taking of depositions shall then be allowed pursuant to~~
20 ~~the provisions of Section 3230 of Title 12 of the Oklahoma Statutes;~~
21 ~~provided, however, depositions shall take place at the Office of the~~
22 ~~Chief State Medical Examiner, a medical examiner, consultant~~
23 ~~pathologist, or anyone under their supervision or control whose~~
24

1 testimony is sought, unless all parties, including the medical
2 examiner, agree the deposition can be taken elsewhere; and

3 ~~5.~~ 3. No other testimony of the Chief Medical Examiner, a
4 medical examiner, consultant pathologist, or anyone under their
5 supervision and control shall be admitted in evidence in any civil
6 action in any court of this state, unless timely application is made
7 to the court by an interested party or litigant and timely notice of
8 the application is given to the medical examiner. After a hearing,
9 the court, for good cause shown, may order the appearance of the
10 Chief Medical Examiner, a medical examiner, consultant pathologist,
11 or anyone under their supervision and control for the purpose of
12 testifying and may order that a subpoena be issued for that
13 appearance; provided, however, that such order by the court shall be
14 the exception and not the rule; ~~and~~

15 ~~6. The cost of the records or certified copies thereof shall be~~
16 ~~paid by the party requesting same. The reasonable fee charged by~~
17 ~~the Chief Medical Examiner, a medical examiner, consultant~~
18 ~~pathologist, or anyone under their supervision and control for~~
19 ~~answering interrogatories or cross interrogatories, submitting to~~
20 ~~depositions, or providing testimony shall be paid by the party~~
21 ~~submitting same. This fee shall be in place of any other witness~~
22 ~~fee allowed by law.~~

23 C. Certified copies of complete and final reports and findings,
24 exclusive of hearsay evidence, ~~may~~ shall be admitted in evidence in

1 preliminary hearings ~~and criminal trials by stipulation~~; provided,
2 however, this subsection shall not be construed to require copies of
3 incomplete or pending reports or any other documents covered by the
4 work-product doctrine to be admitted into evidence in such hearing.
5 The Chief Medical Examiner shall not be compelled to testify at the
6 preliminary hearing or any other pretrial criminal proceeding.

7 D. Certified copies of reports of investigations by a medical
8 examiner, laboratory reports and/or autopsy reports may be furnished
9 to the next of kin or others having need for them upon written
10 statement and payment of a reasonable fee set by the Board of
11 Medicolegal Investigations.

12 E. 1. In a case in which possible SIDS is determined as the
13 cause of death of an infant less than one (1) year of age, the
14 medical examiner shall explain to the newly bereaved family that
15 support services are available and can be rendered more efficiently
16 if the family signs a waiver to allow release of confidential
17 information. The medical examiner shall provide such waiver to the
18 family for signatures.

19 2. The medical examiner shall document receipt of the signed
20 waiver form and shall forward such documentation to the State
21 Department of Health and the SIDS Foundation of Oklahoma, along with
22 information related to the possible SIDS death including, but not
23 limited to, the ~~infant's~~ name, date of birth, date of death, and
24

1 race of the infant, ~~parents'~~ and names, address and phone number of
2 the parents.

3 3. As used in this subsection, "possible SIDS" means the sudden
4 unexpected, nontraumatic death of an apparently healthy infant less
5 than one (1) year of age.

6 SECTION 16. AMENDATORY 63 O.S. 2001, Section 950, is
7 amended to read as follows:

8 Section 950. In the event it is necessary or advisable to
9 perform an autopsy under the provisions of ~~this act~~ Section 931 et
10 seq. of this title in some place other than the laboratories of the
11 Chief Medical Examiner, ~~said~~ the examiner may authorize payment of a
12 reasonable fee for the use of an appropriate place for the
13 performing of an autopsy, which payment shall be made upon a claim
14 and submitted to the Board of Medicolegal Investigations.

15 SECTION 17. AMENDATORY 63 O.S. 2001, Section 951, is
16 amended to read as follows:

17 Section 951. The Chief State Medical Examiner, ~~his~~ a designee,
18 or a medical examiner shall be authorized to transport bodies of
19 deceased persons of whose death he or she is officially informed to
20 an appropriate place for autopsy or for the performance of
21 scientific tests; provided that, after ~~said~~ the autopsy ~~shall have~~
22 ~~been~~ is performed or ~~such~~ tests made, the bodies of ~~such~~ deceased
23 persons shall be returned to the county from which they were
24 brought, or, when so authorized by the district attorney of ~~said~~ the

1 county and upon request of the nearest relative of the deceased or
2 other person who may be responsible for burial, the body may be
3 transported to some place other than ~~said~~ the county. The Chief
4 Medical Examiner or ~~his~~ a designee may authorize payment for the
5 services in transporting the body to the place designated for
6 autopsy, which shall be submitted upon a claim filed with the Board
7 of Medicolegal Investigations.

8 SECTION 18. AMENDATORY 63 O.S. 2001, Section 954, is
9 amended to read as follows:

10 Section 954. A. The Board of Medicolegal Investigations is not
11 authorized to accept grants, gifts, fees or funds from persons,
12 associations, corporations, or foundations for any purpose unless
13 authorized by the Board.

14 B. There is ~~hereby~~ created in the State Treasury a revolving
15 fund for the Office of the ~~Chief~~ State Medical Examiner to be
16 designated the "Chief Medical Examiner Revolving Fund". The fund
17 shall be a continuing fund, not subject to fiscal year limitations,
18 and shall consist of all ~~moneys~~ monies received from:

19 1. Laboratory analysis fees pursuant to the provisions of
20 Section 1313.2 of Title 20 of the Oklahoma Statutes;

21 2. Grants, gifts, fees or funds from persons, associations,
22 corporations or foundations pursuant to this section;

23 3. Document fees pursuant to the Oklahoma Open Records Act,
24 Section 24A.1 et seq. of Title 51 of the Oklahoma Statutes; and

1 4. Cremation, burial at sea or other recognized means of
2 dissolution permit fees pursuant to Section 1-329.1 of this title.

3 All monies accruing to the credit of ~~said~~ the fund are ~~hereby~~
4 appropriated and may be budgeted and expended by the Office of the
5 ~~Chief~~ State Medical Examiner for the duties imposed upon the Board
6 of Medicolegal Investigations by law. Expenditures from ~~said~~ the
7 fund shall be made upon warrants issued by the State Treasurer
8 against claims filed as prescribed by law with the Director of State
9 Finance for approval and payment.

10 SECTION 19. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 942a of Title 63, unless there
12 is created a duplication in numbering, reads as follows:

13 A. The spouse of the deceased or any person within one degree
14 of consanguinity of the deceased may appeal the findings of the
15 medical examiner to the Board of Medicolegal Investigations within
16 one (1) year from the completion of the report. Such appeal shall
17 be made in writing and shall state the nature and reasons for the
18 appeal. The Board shall investigate the appeal and provide written
19 findings of facts and conclusions of law within three (3) months of
20 the request for appeal. The opinions or findings of the member of
21 the Board who is a family member of a victim of violent crime shall
22 not be binding on the remaining members of the Board when
23 determining the facts and conclusions of law, but shall be taken in
24 advisement by such Board members. Should the Board find that the

1 findings of the medical examiner are erroneous, the Board shall
2 immediately correct the report and transmit the appropriate
3 paperwork to the State Department of Health for the correction of
4 the death certificate.

5 B. The spouse of the deceased or any person within one degree
6 of consanguinity of the deceased may appeal the written findings of
7 facts and conclusions of law provided by the Board to the District
8 Court of Oklahoma County for a trial de novo. The Board shall
9 create a form to be used to file an appeal pursuant to the
10 provisions of this subsection.

11 C. Findings of the medical examiner made prior to the effective
12 date of this act may be appealed by the spouse of the deceased or
13 any person within one degree of consanguinity of the deceased under
14 the same procedures as specified in subsections A and B of this
15 section.

16 SECTION 20. AMENDATORY 10 O.S. 2001, Section 1150.4, is
17 amended to read as follows:

18 Section 1150.4 A. Beginning November 1, 1991, the Director of
19 the Bureau of Vital Statistics shall forward to the Office of the
20 ~~Chief~~ State Medical Examiner on a monthly basis copies of all death
21 certificates of persons under eighteen (18) years of age received by
22 the Bureau of Vital Statistics during the preceding month.

23 B. The Office of ~~Chief~~ the State Medical Examiner shall conduct
24 an initial review of child death certificates in accordance with the

1 criteria established by the Child Death Review Board and refer to
2 the Board those cases that meet the criteria established by the
3 Board for specific case review.

4 C. Upon the request of the Board, every entity within the child
5 protection system shall provide to the Board any information
6 requested by the Board.

7 SECTION 21. AMENDATORY 12 O.S. 2001, Section 2902, as
8 amended by Section 63, Chapter 468, O.S.L. 2002 (12 O.S. Supp. 2010,
9 Section 2902), is amended to read as follows:

10 Section 2902. Extrinsic evidence of authenticity as a condition
11 precedent to admissibility is not required with respect to the
12 following:

13 1. A document bearing a seal purporting to be that of the
14 United States or of any state, district, commonwealth, territory or
15 insular possession thereof, including the Panama Canal Zone, or the
16 trust territory of the Pacific Islands, or of a political
17 subdivision, department, office or agency thereof, and a signature
18 purporting to be an attestation or execution;

19 2. A document purporting to bear the signature in ~~his~~ the
20 official capacity of an officer or employee of any entity included
21 in paragraph 1 of this section, having no seal, if a public officer
22 having a seal and having official duties in the district or
23 political subdivision of the officer or employee certifies under
24

1 seal that the signer has the official capacity and that the
2 signature is genuine;

3 3. A document purporting to be executed or attested in ~~his~~ an
4 official capacity by a person authorized by the laws of a foreign
5 country to make the execution or attestation, and accompanied by a
6 final certification as to the genuineness of the signature and
7 official position:

8 a. of the executing or attesting person, or

9 b. of any foreign official whose certificate of
10 genuineness of signature and official position relates
11 to the execution or attestation or is in a chain of
12 certificates of genuineness or signature and official
13 position relating to the execution or attestation. A
14 final certification may be made by a secretary of
15 embassy or legation, consul general, consul, vice
16 consul or consular agent of the United States, or a
17 diplomatic or consular official of the foreign country
18 assigned or accredited to the United States. If
19 reasonable opportunity has been given to all parties
20 to investigate the authenticity and accuracy of
21 official documents, the court may, for good cause
22 shown, order that they be treated as presumptively
23 authentic without final certification or permit them

24

1 to be evidenced by an attested summary with or without
2 final certification;

3 4. A copy of an official record or report or entry therein, or
4 of a document authorized by law to be recorded or filed and actually
5 recorded or filed in a public office, including data compilations in
6 any form, certified as correct by the custodian or other person
7 authorized to make the certification, by certificate complying with
8 paragraph 1, 2 or 3 of this section or complying with any statute or
9 by rules prescribed by the Supreme Court pursuant to statutory
10 authority;

11 5. Books, pamphlets or other publications purporting to be
12 issued by public authority;

13 6. Printed materials purporting to be newspapers or
14 periodicals;

15 7. Inscriptions, signs, tags or labels purporting to have been
16 affixed in the course of business and indicating ownership, control
17 or origin;

18 8. Records accompanied by a certificate of acknowledgment under
19 the hand and the seal of a notary public or other officer authorized
20 by law to take acknowledgments;

21 9. Commercial paper, signatures thereon, and related records to
22 the extent provided by general commercial law;

1 10. Any signature, record or other matter declared by act of
2 the Legislature to be presumptively or prima facie genuine or
3 authentic;

4 11. The original or a duplicate of a domestic record of acts,
5 events, conditions, opinions, or diagnoses if:

6 a. the document is accompanied by a written declaration
7 under oath of the custodian of the record, or other
8 qualified individual that the record was made, at or
9 near the time of the occurrence of the matters set
10 forth by or from information transmitted by a person
11 having knowledge of those matters; was kept in the
12 course of the regularly conducted business activity;
13 and was made pursuant to the regularly conducted
14 activity,

15 b. the party intending to offer the record in evidence
16 gives notice of that intention to all adverse parties
17 and makes the record available for inspection
18 sufficiently in advance of its offer to provide the
19 adverse parties with a fair opportunity to challenge
20 the record, and

21 c. notice is given to the proponent, sufficiently in
22 advance of the offer to provide the proponent with a
23 fair opportunity to meet the objection or obtain the
24 testimony of a foundation witness, raising a genuine

1 question as to the trustworthiness or authenticity of
2 the record; ~~and~~

3 12. The original or a duplicate of a record from a foreign
4 country of acts, events, conditions, opinions, or diagnoses if:

- 5 a. the document is accompanied by a written declaration
6 under oath of the custodian of the record, or other
7 qualified individual that the record was made, at or
8 near the time of the occurrence of the matters set
9 forth by or from information transmitted by a person
10 having knowledge of those matters; was kept in the
11 course of a regularly conducted business activity; and
12 was made pursuant to the regularly conducted activity,
- 13 b. the party intending to offer the record in evidence
14 gives notice of that intention to all adverse parties
15 and makes the record available for inspection
16 sufficiently in advance of its offer to provide the
17 adverse parties with a fair opportunity to challenge
18 the record, and
- 19 c. notice is given to the proponent, sufficiently in
20 advance of the offer to provide the proponent with a
21 fair opportunity to meet the objection or obtain the
22 testimony of a foundation witness, raising a genuine
23 question as to the trustworthiness or authenticity of
24 the record; and

1 13. Certified copies of reports pertaining to the factual
2 determinations of views and examination of or autopsies upon the
3 bodies of deceased persons by the Chief Medical Examiner, a medical
4 examiner, consultant pathologist, or anyone under their supervision
5 or control.

6 SECTION 22. AMENDATORY 20 O.S. 2001, Section 1313.2, as
7 last amended by Section 1, Chapter 442, O.S.L. 2009 (20 O.S. Supp.
8 2010, Section 1313.2), is amended to read as follows:

9 Section 1313.2 A. As used in this section:

10 1. "Convicted" means any final adjudication of guilt, whether
11 pursuant to a plea of guilty or nolo contendere or otherwise, and
12 any deferred or suspended sentence or judgment;

13 2. "Court" means any state or municipal court having
14 jurisdiction to impose a criminal fine or penalty; and

15 3. "DNA" means Deoxyribonucleic acid.

16 B. Any person convicted of an offense, including traffic
17 offenses but excluding parking and standing violations, punishable
18 by a fine of Ten Dollars (\$10.00) or more or by incarceration or any
19 person forfeiting bond when charged with such an offense, shall be
20 ordered by the court to pay Nine Dollars (\$9.00) as a separate fee,
21 which fee shall be in addition to and not in substitution for any
22 and all fines and penalties otherwise provided for by law for such
23 offense.

1 C. 1. Any person convicted of any misdemeanor or felony
2 offense shall pay a Laboratory Analysis Fee in the amount of One
3 Hundred Fifty Dollars (\$150.00) for each offense if forensic science
4 or laboratory services are rendered or administered by the Oklahoma
5 State Bureau of Investigation, by the Toxicology Laboratory of the
6 Office of the ~~Chief~~ State Medical Examiner or by any municipality or
7 county in connection with the case. This fee shall be in addition
8 to and not a substitution for any and all fines and penalties
9 otherwise provided for by law for this offense.

10 2. The court clerk shall cause to be deposited the amount of
11 One Hundred Fifty Dollars (\$150.00) as collected, for every
12 conviction as described in this subsection. The court clerk shall
13 remit the monies in the fund on a monthly basis directly either to:

14 a. the Oklahoma State Bureau of Investigation who shall
15 deposit the monies into the OSBI Revolving Fund
16 provided for in Section 150.19a of Title 74 of the
17 Oklahoma Statutes for services rendered or
18 administered by the Oklahoma State Bureau of
19 Investigation,

20 b. the Office of the ~~Chief~~ State Medical Examiner who
21 shall deposit the monies into the Office of the ~~Chief~~
22 State Medical Examiner Toxicology Laboratory Revolving
23 Fund provided for in Section 954 of Title 63 of the
24 Oklahoma Statutes for services rendered or

1 administered by the Toxicology Laboratory of the
2 Office of the ~~Chief~~ State Medical Examiner, or

3 c. the appropriate municipality or county for services
4 rendered or administered by a municipality or county.

5 3. The monies from the Laboratory Analysis Fee Fund deposited
6 into the OSBI Revolving Fund shall be used for the following:

7 a. providing criminalistic laboratory services,

8 b. the purchase and maintenance of equipment for use by
9 the laboratory in performing analysis,

10 c. education, training, and scientific development of
11 Oklahoma State Bureau of Investigation personnel, and

12 d. the destruction of seized property and chemicals as
13 prescribed in Sections 2-505 and 2-508 of Title 63 of
14 the Oklahoma Statutes.

15 D. Upon conviction or bond forfeiture, the court shall collect
16 the fee provided for in subsection B of this section and deposit it
17 in an account created for that purpose. Except as otherwise
18 provided in subsection E of this section, monies shall be forwarded
19 monthly by the court clerk to the Council on Law Enforcement
20 Education and Training. Beginning July 1, 2003, deposits shall be
21 due on the fifteenth day of each month for the preceding calendar
22 month. There shall be a late fee imposed for failure to make timely
23 deposits; provided, the Council on Law Enforcement Education and
24 Training, in its discretion, may waive all or part of the late fee.

1 Such late fee shall be one percent (1%) of the principal amount due
2 per day beginning from the tenth day after payment is due and
3 accumulating until the late fee reaches one hundred percent (100%)
4 of the principal amount due. Beginning on July 1, 1987, ninety
5 percent (90%) of the monies received by the Council on Law
6 Enforcement Education and Training from the court clerks pursuant to
7 this section shall be deposited in the CLEET Fund, and ten percent
8 (10%) shall be deposited in the General Revenue Fund. Beginning
9 January 1, 2001, sixty and fifty-three one-hundredths percent
10 (60.53%) of the monies received by the Council on Law Enforcement
11 Education and Training from the court clerks pursuant to this
12 section shall be deposited in the CLEET Fund created pursuant to
13 subsection G of this section, five and eighty-three one-hundredths
14 percent (5.83%) shall be deposited in the General Revenue Fund and
15 thirty-three and sixty-four one-hundredths percent (33.64%) shall be
16 deposited in the CLEET Training Center Revolving Fund created
17 pursuant to Section 3311.6 of Title 70 of the Oklahoma Statutes.
18 Along with the deposits required by this subsection, each court
19 shall also submit a report stating the total amount of funds
20 collected and the total number of fees imposed during the preceding
21 quarter. The report may be made on computerized or manual
22 disposition reports.

23 E. Any municipality or county having a basic law enforcement
24 academy approved by the Council on Law Enforcement Education and

1 Training pursuant to the criteria developed by the Council for
2 training law enforcement officers shall retain from monies collected
3 pursuant to subsections A through D of this section, Two Dollars
4 (\$2.00) from each fee. These monies shall be deposited into an
5 account for the sole use of the municipality or county in
6 implementing its law enforcement training functions. Not more than
7 seven percent (7%) of the monies shall be used for court and
8 prosecution training. The court clerk of any such municipality or
9 county shall furnish to the Council on Law Enforcement Education and
10 Training the report required by subsection D of this section.

11 F. 1. Any person entering a plea of guilty or nolo contendere
12 or is found guilty of the crime of misdemeanor possession of
13 marijuana or drug paraphernalia shall be ordered by the court to pay
14 a five-dollar fee, which shall be in addition to and not in
15 substitution for any and all fines and penalties otherwise provided
16 for by law for such offense.

17 2. The court clerk shall cause to be deposited the amount of
18 Five Dollars (\$5.00) as collected, for every adjudicated or
19 otherwise convicted person as described in this subsection. The
20 court clerk shall remit the monies in the fund on a monthly basis
21 directly to the Bureau of Narcotics Drug Education Revolving Fund.

22 G. There is hereby created in the State Treasury a fund for the
23 Council on Law Enforcement Education and Training to be designated
24 the "CLEET Fund". The fund shall be subject to legislative

1 appropriation and shall consist of any monies received from fees and
2 receipts collected pursuant to the Oklahoma Open Records Act,
3 reimbursements for parts used in the repair of weapons of law
4 enforcement officers attending the basic academies, gifts, bequests,
5 contributions, tuition, fees, devises, and the assessments levied
6 pursuant to the fund pursuant to law.

7 H. 1. Any person convicted of a felony offense shall pay a DNA
8 fee of One Hundred Fifty Dollars (\$150.00). This fee shall not be
9 collected if the person has a valid DNA sample in the OSBI DNA
10 Offender Database at the time of sentencing.

11 2. The court clerk shall cause to be deposited the amount of
12 One Hundred Fifty Dollars (\$150.00) as collected, for every felony
13 conviction as described in this subsection. The court clerk shall
14 remit the monies in said fund on a monthly basis directly to the
15 Oklahoma State Bureau of Investigation who shall deposit the monies
16 into the OSBI Revolving Fund provided for in Section 150.19a of
17 Title 74 of the Oklahoma Statutes for services rendered or
18 administered by the Oklahoma State Bureau of Investigation.

19 3. The monies from the DNA sample fee deposited into the OSBI
20 Revolving Fund shall be used for creating, staffing, and maintaining
21 the OSBI DNA Laboratory and OSBI Combined DNA Index System (CODIS)
22 Database.

23 I. It shall be the responsibility of the court clerk to account
24 for and ensure the correctness and accuracy of payments made to the

1 state agencies identified in Sections 1313.2 through 1313.4 of this
2 title. Payments made directly to an agency by the court clerk as a
3 result of different types of assessments and fees pursuant to
4 Sections 1313.2 through 1313.4 of this title shall be made monthly
5 to each state agency.

6 SECTION 23. AMENDATORY 21 O.S. 2001, Section 1154, is
7 amended to read as follows:

8 Section 1154. A. Autopsy means a post mortem dissection of a
9 dead human body in order to determine the cause, seat or nature of
10 disease or injury and includes, but is not limited to, the retention
11 of tissues for evidentiary, identification, diagnostic, scientific
12 and therapeutic purposes.

13 B. An autopsy may be performed on the dead body of a human
14 being in the following cases:

15 1. In cases authorized by positive enactment of the
16 Legislature;

17 2. Whenever the death occurs under circumstances in which the
18 medical examiner is authorized as provided in Title 63 of the
19 Oklahoma Statutes to conduct such autopsy; or

20 3. Whenever consent is given to a licensed physician to conduct
21 an autopsy on the body of a deceased person by whichever one of the
22 following assumes custody of the body for purposes of burial:

23 Father, mother, husband, wife, child, guardian, next of kin, or in
24 the absence of any of the foregoing, a friend, or a person charged

1 by law with the responsibility for burial. If two ~~(2)~~ or more such
2 persons assume custody of the body, the consent of one of them shall
3 be deemed sufficient.

4 C. 1. Any physician or hospital authorized to perform an
5 autopsy pursuant to this section, whether by statutory authority or
6 by consent from a person entitled to assume custody of the body for
7 burial, shall be and is authorized to retain such tissue and
8 specimens as the examining physician deems proper. Such tissue and
9 specimens may be retained for examination, dissection or study in
10 furtherance of determining the cause of death, or for evidentiary,
11 diagnostic, or scientific purposes. Except with regard to medical
12 examiners and the Office of the ~~Chief~~ State Medical Examiner, this
13 provision shall not apply if a person entitled to assume custody of
14 the body for burial notifies the physician or hospital performing
15 the autopsy prior to said autopsy of any objection to the retention
16 of tissue and specimens obtained from the autopsy.

17 2. No physician or hospital authorized to perform an autopsy
18 pursuant to this section shall be subject to criminal or civil
19 liability for the retention, examination, dissection, or study of
20 tissue and specimens obtained from said autopsy under existing laws
21 regarding the prevention of mutilation of dead bodies.

22 SECTION 24. AMENDATORY 21 O.S. 2001, Section 1168.4, is
23 amended to read as follows:

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1 Section 1168.4 A. All persons who encounter or discover human
2 skeletal remains or what they believe may be human skeletal remains
3 or burial furniture thought to be associated with human burials in
4 or on the ground shall immediately cease any activity which may
5 cause further disturbance and shall report the presence and location
6 of such human skeletal remains to an appropriate law enforcement
7 officer.

8 B. Any person who willfully fails to report the presence or
9 discovery of human skeletal remains or what they believe may be
10 human skeletal remains within forty-eight (48) hours to an
11 appropriate law enforcement officer in the county in which the
12 remains are found shall be guilty of a misdemeanor.

13 C. Any person who knowingly disturbs human skeletal remains or
14 burial furniture other than a law enforcement officer, registered
15 mortician, a representative of the Office of the ~~Chief~~ State Medical
16 Examiner, a professional archaeologist or physical anthropologist,
17 or other officials designated by law in performance of official
18 duties, shall be guilty of a felony.

19 D. Anyone other than a law enforcement officer, registered
20 mortician, a representative of the Office of the ~~Chief~~ State Medical
21 Examiner, a professional archaeologist or physical anthropologist,
22 or other officials designated by law in performance of official
23 duties, who disturbs or permits disturbance of a burial ground with
24

1 the intent to obtain human skeletal remains or burial furniture
2 shall be guilty of a felony.

3 E. The law enforcement officer, if there is a reason to believe
4 that the skeletal remains may be human, shall promptly notify the
5 landowner and the Chief Medical Examiner. If remains reported under
6 ~~this act~~ Section 1168.1 et seq. of this title are not associated
7 with or suspected of association with any crime, the State
8 Archaeologist and the State Historic Preservation Officer shall be
9 notified within fifteen (15) days. If review by the State
10 Archaeologist and the State Historic Preservation Officer of the
11 human skeletal remains and any burial furniture demonstrates or
12 suggests a direct historical relationship to a tribal group, then
13 the State Archaeologist shall:

- 14 1. Notify the State Historic Preservation Officer; and
- 15 2. Consult with the tribal leader, designated by the Oklahoma
16 Indian Affairs Commission, within fifteen (15) days regarding any
17 proposed treatment or scientific studies and final disposition of
18 the materials.

19 SECTION 25. AMENDATORY 63 O.S. 2001, Section 1-329.1, is
20 amended to read as follows:

21 Section 1-329.1 Until a permit for disposal has been issued in
22 accordance with this section, no dead human body whose death
23 occurred within the State of Oklahoma shall be cremated, buried at

24

1 sea, or made unavailable for further pathologic study by other
2 recognized means of destruction or dissolution of such remains.

3 When the person legally responsible for disposition of a dead
4 human body, whose death occurred or was pronounced within this
5 state, desires that the body be cremated, buried at sea, or made
6 unavailable for further pathologic study by other recognized means
7 of destruction or dissolution of such remains, that person shall
8 complete an application-permit form for such procedure provided by
9 the Office of the Chief State Medical Examiner. ~~The Office of the~~
10 ~~Chief Medical Examiner shall charge a fee of One Hundred Dollars~~
11 ~~(\$100.00) for each cremation permit issued.~~ The Medical Examiner
12 shall be notified, as required in Section 938 of this title. ~~He~~ The
13 Medical Examiner shall perform the required investigation and shall
14 issue a valid death certificate as required by Section 947 of this
15 title and execute the permit in accordance with rules established by
16 the Office of the Chief State Medical Examiner. In order to be
17 valid each permit must contain an individual number assigned to the
18 particular permit by the Office of the Chief State Medical Examiner.
19 A copy of the application-permit form and the original death
20 certificate shall be filed with the local registrar of vital
21 statistics of the registration district in which the death occurred
22 or was pronounced. The original application-permit form shall be
23 filed by the funeral director with the Office of the Chief State

24

1 Medical Examiner. Such filing shall occur or be postmarked within
2 forty-eight (48) hours of the death.

3 If death occurred or was pronounced outside the geographic
4 limits of the State of Oklahoma and the body is brought into this
5 state for such disposal, a transit permit or a permit for removal,
6 issued in accordance with the laws and regulations in force where
7 the death occurred shall authorize the transportation of the body
8 into or through this state and shall be accepted in lieu of a
9 certificate of death as required above. A valid permit issued for
10 disposal of such body in accordance with the laws in the
11 jurisdiction where the body died or death was pronounced shall be
12 authority for cremation or burial at sea or to make the body
13 otherwise unavailable for further pathologic study by other
14 recognized means of destruction or dissolution of such remains.

15 SECTION 26. AMENDATORY 63 O.S. 2001, Section 2-315, is
16 amended to read as follows:

17 Section 2-315. A. Except as otherwise provided by law, any
18 person required to obtain an annual registration pursuant to Section
19 2-302 of this title, or any group home, or residential care home as
20 defined by Section 1-820 of this title shall submit for destruction
21 all controlled dangerous substances which are out of date, which are
22 unwanted, unused or which are abandoned by their owner at their
23 facility due to death or other circumstances.

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1 B. All controlled dangerous substances described in subsection
2 A of this section shall be submitted to the Oklahoma City laboratory
3 of the Oklahoma State Bureau of Investigation, along with all
4 required information on forms provided by the Oklahoma State Bureau
5 of Investigation, to the federal Drug Enforcement Administration, to
6 a duly registered reverse distributor, or to the original registered
7 supplier or their registered agent. When any such substance is
8 transported by private contract or common carrier or United States
9 Postal Service for the purpose of destruction, the sender shall
10 require a receipt from such private contract or common carrier or
11 United States Postal Service, and such receipt shall be retained as
12 a permanent record by the sender.

13 C. Controlled dangerous substances submitted to the Oklahoma
14 State Bureau of Investigation pursuant to the provisions of this
15 section shall be destroyed pursuant to the procedures provided in
16 subsection A of Section 2-508 of this title.

17 Controlled dangerous substances submitted to any distributors,
18 reverse distributors or their original registered suppliers pursuant
19 to the provisions of this section shall be destroyed by incineration
20 so as to make the substance absolutely unusable for human purposes.
21 An official record listing the property destroyed, the location of
22 destruction and disposal, and the name and title of the person
23 supervising the destruction and disposal shall be submitted to the
24 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control and

1 the federal Drug Enforcement Administration office located nearest
2 the destruction site.

3 D. The Office of the ~~Chief~~ State Medical Examiner is hereby
4 authorized to perform on-site incineration of all controlled
5 dangerous substances which are obtained in the discharge of the
6 official duties of the Chief Medical Examiner. Any record relating
7 to destruction of a controlled dangerous substance shall be
8 maintained as required by the state or federal government and shall
9 be available for inspection by appropriate state or federal
10 government regulatory agencies.

11 E. This section shall constitute a part of the Uniform
12 Controlled Dangerous Substances Act.

13 SECTION 27. This act shall become effective November 1, 2011.

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15 53-1-7063 GRS 03/03/11

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