

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL NO. 671

By: Jolley of the Senate

and

6 Grau of the House

7
8
9 COMMITTEE SUBSTITUTE

10 [Office of the Chief Medical Examiner - creating the
11 Office of State Pathology - effective date -
12 emergency]

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15
16 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

20 Section 931. A. The Board of Medicolegal Investigations is
21 hereby ~~re-created~~ abolished.

22 B. The Board of Forensic Pathology is hereby created. The
23 members of the Board shall be:

- ~~1. The Director of the State Bureau of Investigation, or a designee;~~
- ~~2. The State Commissioner of Health, or a designee;~~
- ~~3. The Dean of the College of Medicine of the University of Oklahoma, or a designee;~~
- ~~4. The President or Dean of the Oklahoma State University Center for Health Sciences, or a designee;~~
- ~~5. The President of the Oklahoma Bar Association, or a designee;~~
- ~~6. The President of the Oklahoma Osteopathic Association, or a designee;~~
- ~~7. The President of the Oklahoma State Medical Association, or a designee; and~~
- ~~8. A funeral director, as provided by Section 396.3 of Title 59 of the Oklahoma Statutes, appointed by the Oklahoma State Board of Embalmers and Funeral Directors~~
The Director of the Forensic Science Institute at the University of Central Oklahoma;
2. The Director of the Oklahoma State Bureau of Investigation Forensic Laboratory;
3. A member of an organization that advocates for victims of homicide or missing persons;
4. An owner or director of a funeral home or member of an organization that represents funeral homes;

1 5. A medical or osteopathic physician licensed to practice in
2 the state and in good standing;

3 6. A person representing district attorneys;

4 7. An attorney whose primary practice is in criminal defense;

5 and

6 8. A chief executive officer of a corporation employing at
7 least fifty people.

8 C. With the exception of the members specified in paragraphs 1
9 and 2 of subsection B of this section, members of the Board shall be
10 appointed by the Governor and confirmed by the Senate. Such members
11 shall serve for terms of four (4) years, except as follows:

12 1. The initial term of two members shall be for one (1) year;

13 2. The initial term of two members shall be for two (2) years;

14 and

15 3. The initial term of two members shall be for three (3)
16 years.

17 D. ~~The Chief Medical Examiner shall be an ex officio nonvoting~~
18 ~~member of the Board.~~ The Board shall elect one of its members as
19 chair and one of its members as vice-chair. Members of the Board
20 shall receive no compensation for their services on ~~this~~ the Board.
21 Regular meetings of the Board shall be held at such times as
22 determined by its members, and special meetings may be called by the
23 chair. Four members shall constitute a quorum.

24

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

3 Section 932. A. The Board of Forensic Pathology is hereby
4 authorized to promulgate rules and regulations necessary or
5 appropriate to carry out effectively the provisions of ~~this act~~
6 Section 931 et seq. of this title. Such rules and regulations shall
7 be filed with the Secretary of State and shall not be effective
8 until ten (10) days after the date of filing. The Board shall, on
9 the date of filing, send a copy of the rules and regulations by the
10 United States mail to the state regulatory board the licensees of
11 which are affected thereby.

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

14 Section 933. A. The Office of the ~~Chief Medical Examiner of~~
15 ~~the State of Oklahoma~~ State Pathology is hereby established to be
16 operated under the control and supervision of the Board of Forensic
17 Pathology.

18 B. The Office shall be directed by the ~~Chief Medical Examiner~~
19 Executive Director, who shall be appointed by the Board, and the
20 ~~Chief Medical Examiner may employ such other staff members as the~~
21 ~~Board shall specify.~~ The Executive Director of the Office of State
22 Pathology shall be responsible for:

23 1. Directing the Office of State Pathology and supervising the
24 activities of the Office;

1 2. Employing personnel for the Office; and

2 3. Performing other duties as necessary to support the State

3 Forensic Pathologist in the duties of the State Forensic

4 Pathologist.

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

7 Section 934. A. The Board of ~~Medicolegal Investigations~~
8 Forensic Pathology shall appoint a ~~Chief Medical Examiner~~ the State
9 Forensic Pathologist who shall be a physician licensed to practice
10 in Oklahoma and a diplomate of the American Board of Pathology or
11 the American Osteopathic Board of Pathology in forensic pathology.
12 The ~~Chief Medical Examiner~~ State Forensic Pathologist shall serve at
13 the pleasure of the Board.

14 B. The State Forensic Pathologist shall serve as the lead staff
15 in all medical and medicolegal investigative matters and shall
16 consult with the Executive Director as requested regarding staffing
17 and personnel matters.

18 C. In addition to the duties prescribed by law, the ~~Chief~~
19 ~~Medical Examiner~~ State Forensic Pathologist may teach in any medical
20 school in this state and conduct special classes for law enforcement
21 officers.

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

1 Section 935. The ~~Chief Medical Examiner~~ State Forensic
2 Pathologist shall be directly responsible to the Board of Forensic
3 Pathology for the performance of the duties provided for in ~~this act~~
4 ~~and for the administration of the office of the Chief Medical~~
5 ~~Examiner~~ Section 931 et seq. of this title. The ~~Chief Medical~~
6 ~~Examiner~~ State Forensic Pathologist may, ~~however,~~ delegate specific
7 duties to competent and qualified deputies who may act for the ~~Chief~~
8 ~~Medical Examiner~~ State Forensic Pathologist within the scope of the
9 express authority granted by the ~~Chief Medical Examiner~~ State
10 Forensic Pathologist, subject, however, to such rules as the Board
11 may prescribe.

12 SECTION 6. AMENDATORY Section 1, Chapter 329, O.S.L.
13 2010 (63 O.S. Supp. 2010, Section 935.1), is amended to read as
14 follows:

15 Section 935.1 A. The Office of ~~the State Medical Examiner~~
16 State Pathology and the Board of ~~Medicolegal Investigations~~ Forensic
17 Pathology are authorized to relocate the Office of ~~the State Medical~~
18 ~~Examiner~~ State Pathology to a location immediately adjacent or in
19 close proximity to the University of Central Oklahoma Forensic
20 Science Institute.

21 B. The Office of ~~the State Medical Examiner~~ State Pathology is
22 authorized to take all necessary steps to effectuate the relocation
23 of the Office of ~~the State Medical Examiner~~ State Pathology to a
24 location immediately adjacent or in close proximity to the

1 University of Central Oklahoma Forensic Science Institute,
2 including, but not limited to, entering into a lease-purchase
3 agreement.

4 C. The University of Central Oklahoma is authorized to take all
5 necessary steps to effectuate the relocation of the Office of ~~the~~
6 ~~State Medical Examiner~~ State Pathology to a location immediately
7 adjacent or in close proximity to the University of Central Oklahoma
8 Forensic Science Institute, including, but not limited to,
9 constructing a building or buildings and entering into a lease-
10 purchase agreement.

11 SECTION 7. AMENDATORY 63 O.S. 2001, Section 936, is
12 amended to read as follows:

13 Section 936. The Board of Forensic Pathology shall provide for
14 a central office pursuant to Section 935.1 of this title and shall
15 see that there is maintained a laboratory suitably equipped with
16 facilities for performance of the duties imposed by ~~this act~~ Section
17 931 et seq. of this title.

18 SECTION 8. AMENDATORY 63 O.S. 2001, Section 937, is
19 amended to read as follows:

20 Section 937. The ~~Chief Medical Examiner~~ Executive Director of
21 the Office of State Pathology shall appoint, in consultation with
22 the State Forensic Pathologist, medical examiners for each county of
23 the state. Each medical examiner so appointed shall be a Doctor of
24 Medicine or Osteopathy and Surgery, shall hold a valid license to

1 practice ~~his~~ the profession in Oklahoma, and shall hold office at
2 the pleasure of the Board of Forensic Pathology. In the event
3 there is no qualified person in the county or no person willing to
4 serve as a medical examiner, or in the event the medical examiner is
5 absent from the county in which ~~he~~ the medical examiner serves, or
6 is ill or disqualified by personal interest, the ~~Chief Medical~~
7 ~~Examiner~~ Executive Director may ~~in his discretion~~ appoint as a
8 medical examiner for ~~such~~ the county a qualified person from another
9 county, or may direct a medical examiner from another county to
10 perform the duties of a medical examiner in both counties. Nothing
11 in this section or ~~act~~ Section 931 et seq. of this title shall
12 prohibit or restrict the ~~Chief Medical Examiner~~ Executive Director
13 from appointing a medical examiner and directing ~~him~~ a medical
14 examiner to cross a county line. A medical examiner shall not be
15 precluded from holding other public offices created by the laws of
16 the state.

17 SECTION 9. AMENDATORY 63 O.S. 2001, Section 938, is
18 amended to read as follows:

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

21 1. Violent deaths, whether apparently homicidal, suicidal, or
22 accidental, including but not limited to, deaths due to thermal,
23 chemical, electrical, or radiational injury, and deaths due to
24 criminal abortion, whether apparently self-induced or not;

- 1 2. Deaths under suspicious, unusual or unnatural circumstances;
- 2 3. Deaths related to disease which might constitute a threat to
- 3 public health;
- 4 4. Deaths unattended by a licensed medical or osteopathic
- 5 physician for a fatal or potentially-fatal illness;
- 6 5. Deaths of persons after unexplained coma;
- 7 6. Deaths that are medically unexpected and that occur in the
- 8 course of a therapeutic procedure;
- 9 7. Deaths of any inmates occurring in any place of penal
- 10 incarceration; and
- 11 8. Deaths of persons whose bodies are to be cremated, buried at
- 12 sea, transported out of the state, or otherwise made ultimately
- 13 unavailable for pathological study.

14 B. No autopsy shall be performed on the body of an executed
15 inmate unless requested by the immediate family of the inmate prior
16 to the execution or unless directed by the Department of Corrections
17 or the ~~Chief Medical Examiner~~ State Forensic Pathologist. The ~~Chief~~
18 ~~Medical Examiner~~ State Forensic Pathologist shall not automatically
19 authorize or perform an autopsy in conjunction with an investigation
20 of death of an inmate that resulted from a scheduled execution due
21 to a death sentence imposed pursuant to Title 21 of the Oklahoma
22 Statutes. The ~~Chief Medical Examiner~~ State Forensic Pathologist may
23 authorize or perform such an autopsy only when the public interest
24 requires it. The provisions of this subsection shall not prohibit

1 an inmate from donating, in writing, his or her body to a teaching
2 medical institution for scientific or research purposes.

3 C. The ~~Chief Medical Examiner~~ State Forensic Pathologist shall
4 state on the certificate of death of all persons whose death was
5 caused by execution pursuant to a lawful court order that the cause
6 of death was the execution of such order.

7 SECTION 10. AMENDATORY 63 O.S. 2001, Section 939, is
8 amended to read as follows:

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

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

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

7 SECTION 11. 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~~ State Forensic Pathologist and all other medical examiners
12 in making investigations required pursuant to the provisions of
13 ~~Sections~~ Section 931 ~~through 954~~ et seq. of this title. ~~Said~~ The
14 officials and the physician in attendance of the deceased, or other
15 persons when the deceased was unattended by a physician, shall
16 promptly notify the medical examiner of the occurrence of all deaths
17 coming to their attention which, pursuant to the provisions of
18 ~~Sections~~ Section 931 ~~through 954~~ et seq. of this title, are subject
19 to investigation, and shall assist in making dead bodies and related
20 evidence available for investigation.

21 2. The scene of a death subject to the provisions of ~~Sections~~
22 Section 931 ~~through 954~~ et seq. of this title shall not be disturbed
23 until authorized by the ~~Chief Medical Examiner~~ State Forensic
24 Pathologist, ~~his~~ a designee, or a county medical examiner, and the

1 representative of any law enforcement agency which has begun an
2 investigation of the cause of death. ~~Said~~ The authorization may be
3 given by telephone. Nothing in ~~Sections~~ Section 931 ~~through 954~~ et
4 seq. of this title shall prevent the district attorney or ~~his~~ a
5 designee from authorizing the removal of a body when the removal is
6 determined by ~~him~~ such person to be in the public interest and
7 conditions at the scene are adequately documented and preserved by
8 photographs and measurements.

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

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

19 2. ~~The Chief Medical Examiner~~ State Forensic Pathologist shall
20 have the authority to require production of any records, documents,
21 or equipment or other items regarding the deceased patient deemed
22 necessary to investigate the death.

23 SECTION 12. AMENDATORY 63 O.S. 2001, Section 941, is
24 amended to read as follows:

1 Section 941. A. Upon receipt of notice of death of any person
2 which under ~~this act~~ Section 931 et seq. of this title is subject to
3 investigation, the medical examiner shall immediately conduct an
4 investigation into the cause and manner of death, and shall comply
5 in detail with the instructions of the ~~Chief Medical Examiner~~ State
6 Forensic Pathologist as provided for in Section 939 of this title.
7 ~~He~~ The medical examiner may have fingerprints and photographs taken.
8 ~~He~~ and may take charge of any object or writing found on or near the
9 body which ~~he deems~~ is deemed necessary for the purpose of
10 establishing the cause and/or manner of death.

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

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

23 D. The body of the deceased shall be turned over to the funeral
24 director designated by the person responsible for burial within

1 | eighteen (18) hours unless a longer period is necessary to complete
2 | the required investigation.

3 | SECTION 13. AMENDATORY 63 O.S. 2001, Section 941a, is
4 | amended to read as follows:

5 | Section 941a. Within three (3) hours after the death of any
6 | person who is at the time of death attended by a licensed medical or
7 | osteopathic physician, the body of the deceased shall be released,
8 | upon demand, to the person legally entitled to the custody thereof,
9 | or ~~his~~ a representative, unless:

10 | 1. A release is signed by the person legally entitled to the
11 | custody of the body; or

12 | 2. The attending physician has notified the ~~Chief Medical~~
13 | ~~Examiner of the State of Oklahoma~~ State Forensic Pathologist, or ~~his~~
14 | a designee, of the need for further investigation into the cause of
15 | death, or has notified the appropriate district attorney of such
16 | need; or

17 | 3. The laws of this state or the regulations of the Board of
18 | ~~Medicolegal Investigations~~ Forensic Pathology require additional
19 | information or examination that cannot be obtained or completed
20 | within the above period of time.

21 | SECTION 14. AMENDATORY 63 O.S. 2001, Section 942, is
22 | amended to read as follows:

23 | Section 942. A. Upon completion of ~~his~~ the investigation, the
24 | medical examiner shall reduce ~~his~~ the findings to writing upon the

1 form supplied to ~~him~~ the medical examiner which shall be promptly
2 sent to the ~~Chief Medical Examiner~~ State Forensic Pathologist by
3 mail. Copies of reports shall be furnished by the ~~Chief Medical~~
4 ~~Examiner~~ State Forensic Pathologist to investigating agencies having
5 official interest therein.

6 SECTION 15. AMENDATORY 63 O.S. 2001, Section 943, is
7 amended to read as follows:

8 Section 943. The ~~Chief Medical Examiner~~ State Forensic
9 Pathologist or ~~his~~ a designee may, in his or her discretion, conduct
10 the investigation as herein specified, or relieve the medical
11 examiner at any stage of the investigation, and the medical examiner
12 shall thereafter be responsible only for such specific duties as the
13 ~~Chief Medical Examiner~~ State Forensic Pathologist or ~~his~~ a designee
14 may assign.

15 SECTION 16. AMENDATORY 63 O.S. 2001, Section 944, is
16 amended to read as follows:

17 Section 944. A. When necessary in connection with an
18 investigation to determine the cause and/or manner of death and when
19 the public interest requires it, the ~~Chief Medical Examiner~~ State
20 Forensic Pathologist, ~~his~~ a designee, a medical examiner or a
21 district attorney shall require and authorize an autopsy to be
22 conducted. In determining whether the public interest requires an
23 autopsy, the medical examiner or district attorney involved shall
24

1 take into account but shall not be bound by request therefor from
2 private persons or from other public officials.

3 B. ~~The Chief Medical Examiner State Forensic Pathologist, his a~~
4 designee or a medical examiner, may collect such blood, fluid or
5 body waste specimens as ~~he~~ such person deems necessary to carry out
6 his or her duties as specified in ~~this act~~ Section 931 et seq. of
7 this title. No autopsy authorization shall be required as a
8 prerequisite to the collection of such specimens.

9 SECTION 17. AMENDATORY 63 O.S. 2001, Section 945, is
10 amended to read as follows:

11 Section 945. A. When properly authorized, an autopsy shall be
12 performed by the ~~Chief Medical Examiner State Forensic Pathologist~~
13 or such person as may be designated by ~~him~~ the State Forensic
14 Pathologist for such purpose. The ~~Chief Medical Examiner State~~
15 Forensic Pathologist or a ~~person designated by him~~ designee may
16 authorize arterial embalming of the body prior to the autopsy when
17 such person determines that the embalming would ~~in his opinion~~ not
18 interfere with the autopsy. The autopsy shall be made of such parts
19 of the body as is deemed necessary by the person performing the
20 autopsy.

21 B. A full and complete report of the facts developed by the
22 autopsy together with the findings of the person making ~~it~~ the
23 autopsy shall be prepared and filed in the Office of ~~the Chief~~
24 ~~Medical Examiner State Pathology~~ without unnecessary delay. Copies

1 of such reports and findings shall be furnished to district
2 attorneys and law enforcement officers making a criminal
3 investigation in connection with the death. The next of kin, or any
4 one of them if more than one, may designate a physician to be
5 present when the autopsy is conducted.

6 SECTION 18. AMENDATORY 63 O.S. 2001, Section 946, is
7 amended to read as follows:

8 Section 946. A. If death occurred under circumstances as
9 enumerated in Section 938 of this title, and if the body has been
10 buried without proper certification of death, it shall be the duty
11 of the medical examiner, upon ascertaining such facts, to notify the
12 ~~Chief Medical Examiner~~ State Forensic Pathologist and the district
13 attorney of the county in which the body was buried. The district
14 attorney shall present facts to the judge of the district court of
15 that county, and the judge, after a hearing, may by written order
16 require the body to be exhumed and an autopsy performed by the ~~Chief~~
17 ~~Medical Examiner~~ State Forensic Pathologist or ~~his~~ a designee. A
18 complete report of the facts developed by the autopsy and the
19 findings of the person making the same shall be filed with the ~~Chief~~
20 ~~Medical Examiner~~ State Forensic Pathologist without unnecessary
21 delay and a copy furnished the district attorney of the county
22 within which the death occurred or within which the body was buried,
23 or both.

24

1 B. No order for exhumation, as provided for in subsection A of
2 this section, shall be made without notice of the hearing being
3 served upon the decedent's surviving spouse, parents or next of kin,
4 five (5) days prior to the hearing. The notice shall be served in
5 the same manner as provided for by law for the service of summons in
6 a civil action, shall include the date, time and place of the
7 hearing and shall advise the person so notified that he or she has
8 the right to appear and be heard by the court at that time.
9 Provided, that the district attorney may, by affidavit, advise the
10 court that the identity or whereabouts of any persons required to be
11 served with notice under this subsection is unknown and cannot be
12 ascertained with due diligence. Upon finding that the facts stated
13 in the affidavit are true, the court shall not require notice be
14 given.

15 SECTION 19. AMENDATORY 63 O.S. 2001, Section 947, is
16 amended to read as follows:

17 Section 947. A. The certification of death of any person whose
18 death is investigated under ~~this act~~ Section 931 et seq. of this
19 title shall be made by the ~~Chief Medical Examiner~~ State Forensic
20 Pathologist, ~~his~~ a designee, or the medical examiner who conducted
21 the investigation, upon a medical examiner death certificate
22 provided by the State Registrar of Vital Statistics. Such death
23 certificates shall be valid only when signed by a duly appointed
24 medical examiner, the ~~Chief Medical Examiner~~ State Forensic

1 Pathologist, or ~~his~~ a designee. Copies of all ~~such~~ certificates
2 shall be forwarded immediately upon receipt by the State Registrar
3 of Vital Statistics to the Office of ~~the Chief Medical Examiner~~
4 State Pathology.

5 B. Any certification of death by an attending physician may be
6 referred by the State Registrar of Vital Statistics to the ~~Chief~~
7 ~~Medical Examiner~~ State Forensic Pathologist for investigation and
8 the amending of the original certificate of death by the filing of a
9 medical examiner death certificate by the medical examiner or ~~Chief~~
10 ~~Medical Examiner~~ State Forensic Pathologist when the death is
11 determined by the ~~Chief Medical Examiner~~ State Forensic Pathologist
12 to be one properly requiring investigation under Section 938 of this
13 title.

14 C. Medical examiner death certificates will not be required in
15 cases investigated solely for the purpose of issuing a permit for
16 transport of a body out of state.

17 ~~D. The Board of Medicolegal Investigations shall not charge a~~
18 ~~fee for out of state shipment of human remains whenever the Office~~
19 ~~of the Chief Medical Examiner has not been required to conduct an~~
20 ~~investigation of the death.~~

21 SECTION 20. AMENDATORY 63 O.S. 2001, Section 948, as
22 amended by Section 1, Chapter 559, O.S.L. 2004 (63 O.S. Supp. 2010,
23 Section 948), is amended to read as follows:

24

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

13 B. The Office of ~~the Chief Medical Examiner (OCME)~~ State
14 Pathology shall store biological specimens in the control of the
15 ~~OCME Office~~ Office for the potential purpose of independent analyses in
16 matters of civil law, only upon receipt of a written request for
17 ~~such~~ storage and payment of a storage fee. The fee shall be paid by
18 the person requesting storage to the Office of ~~the Chief Medical~~
19 ~~Examiner~~ State Pathology. The Board shall promulgate rules
20 establishing a fee for storage of ~~such~~ biological specimens which
21 shall not exceed One Hundred Dollars (\$100.00) per year. All fees
22 collected pursuant to the provisions of this subsection shall be
23 deposited to the credit of the Office of ~~the Chief Medical Examiner~~
24 State Pathology Toxicology Laboratory Revolving Fund.

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

7 2. The authorization for drug screens shall apply only to
8 specimens from cases already within the jurisdiction of the ~~OCME~~
9 Office and only when the analyses are deemed by the ~~Chief Medical~~
10 ~~Examiner or Deputy Chief Medical Examiner~~ State Forensic Pathologist
11 not to conflict with any investigation of the case by the state.

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

17 SECTION 21. AMENDATORY Section 2, Chapter 559, O.S.L.
18 2004 (63 O.S. Supp. 2010, Section 948.1), is amended to read as
19 follows:

20 Section 948.1 A. The Board of ~~Medicolegal Investigations~~
21 Forensic Pathology may establish a fee schedule for forensic
22 services, permits and reports rendered to members of the public and
23 other agencies.

24

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

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

7 a. permit for cremations that occur within the state:
8 One Hundred Dollars (\$100.00) to Two Hundred Dollars
9 (\$200.00),

10 b. out-of-state shipment of human remains whenever the
11 Office of State Pathology has not been required to
12 conduct an investigation of the death: One Hundred
13 Dollars (\$100.00) to Two Hundred Dollars (\$200.00),

14 c. forensic science service: One Hundred Dollars
15 (\$100.00) to Three Thousand Dollars (\$3,000.00),

16 ~~e.~~

17 d. report copies: Ten Dollars (\$10.00) for report of
18 investigation, including toxicology, and Twenty
19 Dollars (\$20.00) for an autopsy report, including
20 toxicology,

21 ~~d.~~

22 e. x-rays: Fifteen Dollars (\$15.00) each,

23 ~~e.~~

24

1 D. All statutory fees currently in effect for permits or
2 forensic science services administered by the ~~Chief Medical Examiner~~
3 Office of State Pathology and the Board of ~~Medicolegal~~
4 ~~Investigations~~ Forensic Pathology within the jurisdiction of the
5 Office of ~~the Chief Medical Examiner~~ State Pathology shall remain in
6 effect until such time as the Board acts to implement new schedules
7 pursuant to the provisions of ~~this act~~ Sections 948 and 948.1 of
8 this title.

9 SECTION 22. AMENDATORY 63 O.S. 2001, Section 949, as
10 amended by Section 1, Chapter 190, O.S.L. 2004 (63 O.S. Supp. 2010,
11 Section 949), is amended to read as follows:

12 Section 949.

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

22 b. The ~~Chief Medical Examiner~~ State Forensic Pathologist
23 shall track and forward, within seventy-two (72) hours
24 after the examination, demographic information on

1 sudden, unexpected and nontraumatic infant deaths,
2 including, but not limited to, Sudden Infant Death
3 Syndrome (SIDS), to the Oklahoma SIDS Coordinator at
4 the State Department of Health and the SIDS Foundation
5 of Oklahoma. As used in this subparagraph, "Sudden
6 Infant Death Syndrome (SIDS)" means the sudden,
7 unexpected death of an apparently healthy infant less
8 than one (1) year of age which remains unexplained
9 following a complete medicolegal analysis and death
10 scene investigation. The ~~Chief Medical Examiner~~ State
11 Forensic Pathologist shall follow up with further
12 notification upon final determination of a cause of
13 death. Such notification shall be for statistical
14 reporting purposes only.

15 2. The ~~office~~ Office shall promptly deliver to each district
16 attorney having jurisdiction of the case, copies of all records
17 relating to a death for which further investigation may be
18 advisable. Any district attorney or other law enforcement official
19 may, upon request, obtain copies of ~~such~~ records or other
20 information deemed necessary ~~to~~ for the performance of ~~such district~~
21 ~~attorney's or other law enforcement official's~~ official duties.

22 B. No report, findings, testimony, or other information of a
23 medical examiner shall be admitted in evidence in any civil action
24

1 in any court in this state, except under the following
2 circumstances:

3 1. Certified copies of reports pertaining to the factual
4 determinations of views and examination of or autopsies upon the
5 bodies of deceased persons by the ~~Chief Medical Examiner State~~
6 Forensic Pathologist, a medical examiner, consultant pathologist, or
7 anyone under their supervision or control may be admitted in
8 evidence in any civil case in a court of competent jurisdiction in
9 this state by stipulation of all parties in the case;

10 2. If a party refuses to stipulate to admission, the reports
11 may be requested by any party seeking to admit the records as
12 evidence. The request shall be made to the Office of ~~the Chief~~
13 Medical Examiner State Pathology, ~~who~~ which shall furnish same;

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

24

1 4. The taking of depositions shall then be allowed pursuant to
2 the provisions of Section 3230 of Title 12 of the Oklahoma Statutes;
3 provided, however, depositions shall take place at the Office of the
4 ~~Chief Medical Examiner~~ State Forensic Pathologist, a medical
5 examiner, consultant pathologist, or anyone under their supervision
6 or control whose testimony is sought, unless all parties, including
7 the medical examiner, agree the deposition can be taken elsewhere;

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

21 6. The cost of the records or certified copies thereof shall be
22 paid by the party requesting same. The reasonable fee charged by
23 the ~~Chief Medical Examiner~~ State Forensic Pathologist, a medical
24 examiner, consultant pathologist, or anyone under their supervision

1 and control for answering interrogatories or cross interrogatories,
2 submitting to depositions, or providing testimony shall be paid by
3 the party submitting same. This fee shall be in place of any other
4 witness fee allowed by law.

5 C. Certified copies of reports and findings, exclusive of
6 hearsay evidence, may be admitted in evidence in preliminary
7 hearings and criminal trials by stipulation.

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

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

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

1 race of the infant, parents' and the names, address, and phone
2 number of 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 23. 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~~ State Forensic Pathologist, ~~said examiner the~~
12 State Forensic Pathologist may authorize payment of a reasonable fee
13 for the use of an appropriate place for the performing of an
14 autopsy, which payment shall be made upon a claim and submitted to
15 the Board of ~~Medicolegal Investigations~~ Forensic Pathology.

16 SECTION 24. AMENDATORY 63 O.S. 2001, Section 951, is
17 amended to read as follows:

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

1 which they were brought, or, when so authorized by the district
2 attorney of ~~said~~ the county and upon request of the nearest relative
3 of the deceased or other person who may be responsible for burial,
4 the body may be transported to some place other than ~~said~~ the
5 county. The ~~Chief Medical Examiner~~ State Forensic Pathologist or
6 ~~his~~ a designee may authorize payment for the services in
7 transporting the body to the place designated for autopsy, which
8 shall be submitted upon a claim filed with the Board of ~~Medicolegal~~
9 ~~Investigations~~ Forensic Pathology.

10 SECTION 25. AMENDATORY 63 O.S. 2001, Section 954, is
11 amended to read as follows:

12 Section 954. A. The Board of ~~Medicolegal Investigations~~
13 Forensic Pathology is authorized to accept grants, gifts, fees, or
14 funds from persons, associations, corporations, or foundations for
15 any purpose authorized by the Board.

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

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

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

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

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

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

12 SECTION 26. AMENDATORY 10 O.S. 2001, Section 1150.3, as
13 amended by Section 7, Chapter 421, O.S.L. 2004 (10 O.S. Supp. 2010,
14 Section 1150.3), is amended to read as follows:

15 Section 1150.3 A. The Child Death Review Board shall be
16 composed of twenty-seven (27) members, or their designees, as
17 follows:

18 1. Fourteen of the members shall be:

- 19 a. the ~~Chief Medical Examiner~~ State Forensic Pathologist,
- 20 b. the Director of the Department of Human Services, or a
21 designee, provided the designee shall be a person
22 assigned to the Child Welfare Division of the
23 Department,
- 24 c. the State Commissioner of Health,

- d. the Director of the Office of Child Abuse Prevention,
- e. the Director of the Oklahoma Commission on Children and Youth,
- f. the Chief Child Abuse Medical Examiner,
- g. the Chief of Maternal and Child Health Services of the State Department of Health,
- h. the Commissioner of Mental Health and Substance Abuse Services,
- i. the Chair of the Child Protection Committee of the Children's Hospital of Oklahoma,
- j. the Director of the Office of Juvenile Affairs,
- k. the Chief of Injury Prevention Services of the State Department of Health,
- l. the State Epidemiologist of the State Department of Health,
- m. the Director of the Oklahoma State Bureau of Investigation, and
- n. the Chief Executive Officer of the Oklahoma Health Care Authority; and

2. Thirteen of the members shall be appointed by the Director of the Oklahoma Commission on Children and Youth, shall serve for terms of two (2) years, and shall be eligible for reappointment. The members shall be persons having training and experience in

1 matters related to the abuse or neglect of a child. The appointed
2 members shall include:

- 3 a. a law enforcement officer selected from lists
4 submitted by the executive boards of organizations
5 representing sheriffs and peace officers in this
6 state,
- 7 b. an attorney licensed in this state who is in private
8 practice selected from a list submitted by the
9 executive board of the Oklahoma Bar Association,
- 10 c. a district attorney selected from a list submitted by
11 the District Attorney's Council,
- 12 d. a physician selected from lists submitted by statewide
13 organizations representing physicians in this state,
- 14 e. a physician selected from lists submitted by statewide
15 organizations representing osteopathic physicians in
16 this state,
- 17 f. a member of the State Post-Adjudication Review
18 Advisory Board,
- 19 g. a social worker selected from a list submitted by each
20 organization representing social workers,
- 21 h. an individual selected from lists submitted by
22 Oklahoma court-appointed special advocate
23 associations,

24

- 1 i. a psychologist selected from lists submitted by
- 2 Oklahoma psychological associations,
- 3 j. a member of a Native American Tribe involved in the
- 4 area of protection of Native American children
- 5 selected from a list submitted by the Oklahoma Indian
- 6 Affairs Commission,
- 7 k. an individual selected from lists submitted by
- 8 Oklahoma coalitions or associations against domestic
- 9 violence and sexual assault,
- 10 l. a pediatric physician selected from lists submitted by
- 11 organizations of pediatric physicians or osteopaths,
- 12 and
- 13 m. a member of an emergency medical technicians
- 14 association.

15 B. Every two (2) years the Board shall elect from among its
16 membership a chair and a vice-chair. The Board shall meet at least
17 quarterly and may meet more frequently as necessary as determined by
18 the chair. Members shall serve without compensation but may be
19 reimbursed for necessary travel out of funds available to the
20 Commission pursuant to the State Travel Reimbursement Act; provided,
21 that the reimbursement shall be paid in the case of state employee
22 members by the agency employing the member.

1 C. With funds appropriated or otherwise available for that
2 purpose, the Commission shall provide administrative assistance and
3 services to the Child Death Review Board.

4 SECTION 27. AMENDATORY 10 O.S. 2001, Section 1150.4, is
5 amended to read as follows:

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

12 B. The Office of ~~Chief Medical Examiner~~ State Pathology shall
13 conduct an initial review of child death certificates in accordance
14 with the criteria established by the Child Death Review Board and
15 refer to the Board those cases that meet the criteria established by
16 the Board for specific case review.

17 C. Upon the request of the Board, every entity within the child
18 protection system shall provide to the Board any information
19 requested by the Board.

20 SECTION 28. AMENDATORY 20 O.S. 2001, Section 1313.2, as
21 last amended by Section 1, Chapter 442, O.S.L. 2009 (20 O.S. Supp.
22 2010, Section 1313.2), is amended to read as follows:

23 Section 1313.2 A. As used in this section:
24

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

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

6 3. "DNA" means Deoxyribonucleic acid.

7 B. Any person convicted of an offense, including traffic
8 offenses but excluding parking and standing violations, punishable
9 by a fine of Ten Dollars (\$10.00) or more or by incarceration or any
10 person forfeiting bond when charged with such an offense, shall be
11 ordered by the court to pay Nine Dollars (\$9.00) as a separate fee,
12 which fee shall be in addition to and not in substitution for any
13 and all fines and penalties otherwise provided for by law for such
14 offense.

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

24

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

5 a. the Oklahoma State Bureau of Investigation who shall
6 deposit the monies into the OSBI Revolving Fund
7 provided for in Section 150.19a of Title 74 of the
8 Oklahoma Statutes for services rendered or
9 administered by the Oklahoma State Bureau of
10 Investigation,

11 b. the Office of ~~the Chief Medical Examiner State~~
12 Pathology who shall deposit the monies into the Office
13 of ~~the Chief Medical Examiner State Pathology~~
14 Toxicology Laboratory Revolving Fund provided for in
15 Section 954 of Title 63 of the Oklahoma Statutes for
16 services rendered or administered by the Toxicology
17 Laboratory of the Office of the ~~Chief Medical Examiner~~
18 State Forensic Pathologist, or

19 c. the appropriate municipality or county for services
20 rendered or administered by a municipality or county.

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

23 a. providing criminalistic laboratory services,
24

- 1 b. the purchase and maintenance of equipment for use by
2 the laboratory in performing analysis,
3 c. education, training, and scientific development of
4 Oklahoma State Bureau of Investigation personnel, and
5 d. the destruction of seized property and chemicals as
6 prescribed in Sections 2-505 and 2-508 of Title 63 of
7 the Oklahoma Statutes.

8 D. Upon conviction or bond forfeiture, the court shall collect
9 the fee provided for in subsection B of this section and deposit it
10 in an account created for that purpose. Except as otherwise
11 provided in subsection E of this section, monies shall be forwarded
12 monthly by the court clerk to the Council on Law Enforcement
13 Education and Training. Beginning July 1, 2003, deposits shall be
14 due on the fifteenth day of each month for the preceding calendar
15 month. There shall be a late fee imposed for failure to make timely
16 deposits; provided, the Council on Law Enforcement Education and
17 Training, in its discretion, may waive all or part of the late fee.
18 Such late fee shall be one percent (1%) of the principal amount due
19 per day beginning from the tenth day after payment is due and
20 accumulating until the late fee reaches one hundred percent (100%)
21 of the principal amount due. Beginning on July 1, 1987, ninety
22 percent (90%) of the monies received by the Council on Law
23 Enforcement Education and Training from the court clerks pursuant to
24 this section shall be deposited in the CLEET Fund, and ten percent

1 (10%) shall be deposited in the General Revenue Fund. Beginning
2 January 1, 2001, sixty and fifty-three one-hundredths percent
3 (60.53%) of the monies received by the Council on Law Enforcement
4 Education and Training from the court clerks pursuant to this
5 section shall be deposited in the CLEET Fund created pursuant to
6 subsection G of this section, five and eighty-three one-hundredths
7 percent (5.83%) shall be deposited in the General Revenue Fund and
8 thirty-three and sixty-four one-hundredths percent (33.64%) shall be
9 deposited in the CLEET Training Center Revolving Fund created
10 pursuant to Section 3311.6 of Title 70 of the Oklahoma Statutes.
11 Along with the deposits required by this subsection, each court
12 shall also submit a report stating the total amount of funds
13 collected and the total number of fees imposed during the preceding
14 quarter. The report may be made on computerized or manual
15 disposition reports.

16 E. Any municipality or county having a basic law enforcement
17 academy approved by the Council on Law Enforcement Education and
18 Training pursuant to the criteria developed by the Council for
19 training law enforcement officers shall retain from monies collected
20 pursuant to subsections A through D of this section, Two Dollars
21 (\$2.00) from each fee. These monies shall be deposited into an
22 account for the sole use of the municipality or county in
23 implementing its law enforcement training functions. Not more than
24 seven percent (7%) of the monies shall be used for court and

1 prosecution training. The court clerk of any such municipality or
2 county shall furnish to the Council on Law Enforcement Education and
3 Training the report required by subsection D of this section.

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

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

15 G. There is hereby created in the State Treasury a fund for the
16 Council on Law Enforcement Education and Training to be designated
17 the "CLEET Fund". The fund shall be subject to legislative
18 appropriation and shall consist of any monies received from fees and
19 receipts collected pursuant to the Oklahoma Open Records Act,
20 reimbursements for parts used in the repair of weapons of law
21 enforcement officers attending the basic academies, gifts, bequests,
22 contributions, tuition, fees, devises, and the assessments levied
23 pursuant to the fund pursuant to law.

24

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

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

13 3. The monies from the DNA sample fee deposited into the OSBI
14 Revolving Fund shall be used for creating, staffing, and maintaining
15 the OSBI DNA Laboratory and OSBI Combined DNA Index System (CODIS)
16 Database.

17 I. It shall be the responsibility of the court clerk to account
18 for and ensure the correctness and accuracy of payments made to the
19 state agencies identified in Sections 1313.2 through 1313.4 of this
20 title. Payments made directly to an agency by the court clerk as a
21 result of different types of assessments and fees pursuant to
22 Sections 1313.2 through 1313.4 of this title shall be made monthly
23 to each state agency.

24

1 SECTION 29. AMENDATORY 21 O.S. 2001, Section 1154, is
2 amended to read as follows:

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

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

10 1. In cases authorized by positive enactment of the
11 Legislature;

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

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

18 Father, mother, husband, wife, child, guardian, next of kin, or in
19 the absence of any of the foregoing, a friend, or a person charged
20 by law with the responsibility for burial. If two (2) or more such
21 persons assume custody of the body, the consent of one of them shall
22 be deemed sufficient.

23 C. 1. Any physician or hospital authorized to perform an
24 autopsy pursuant to this section, whether by statutory authority or

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

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

18 SECTION 30. AMENDATORY 21 O.S. 2001, Section 1168.4, is
19 amended to read as follows:

20 Section 1168.4 A. All persons who encounter or discover human
21 skeletal remains or what they believe may be human skeletal remains
22 or burial furniture thought to be associated with human burials in
23 or on the ground shall immediately cease any activity which may
24 cause further disturbance and shall report the presence and location

1 of such human skeletal remains to an appropriate law enforcement
2 officer.

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

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

14 D. Anyone other than a law enforcement officer, registered
15 mortician, a representative of the Office of ~~the Chief Medical~~
16 ~~Examiner~~ State Pathology, a professional archaeologist or physical
17 anthropologist, or other officials designated by law in performance
18 of official duties, who disturbs or permits disturbance of a burial
19 ground with the intent to obtain human skeletal remains or burial
20 furniture shall be guilty of a felony.

21 E. The law enforcement officer, if there is a reason to believe
22 that the skeletal remains may be human, shall promptly notify the
23 landowner and the ~~Chief Medical Examiner~~ State Forensic Pathologist.
24 If remains reported under ~~this act~~ Section 1168.1 et seq. of this

1 title are not associated with or suspected of association with any
2 crime, the State Archaeologist and the State Historic Preservation
3 Officer shall be notified within fifteen (15) days. If review by
4 the State Archaeologist and the State Historic Preservation Officer
5 of the human skeletal remains and any burial furniture demonstrates
6 or suggests a direct historical relationship to a tribal group, then
7 the State Archaeologist shall:

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

13 SECTION 31. AMENDATORY 22 O.S. 2001, Section 751, as
14 last amended by Section 1, Chapter 89, O.S.L. 2010 (22 O.S. Supp.
15 2010, Section 751), is amended to read as follows:

16 Section 751. A. At any hearing prior to trial or at a
17 forfeiture hearing:

- 18 1. A report of the findings of the laboratory of the Oklahoma
19 State Bureau of Investigation;
- 20 2. The report of investigation or autopsy report of the medical
21 examiner;
- 22 3. A laboratory report from a forensic laboratory operated by
23 this state or any political subdivision thereof, or from a
24 laboratory performing analysis at the request of a forensic

1 laboratory operated by this state or any political subdivision
2 thereof;

3 4. A report from the Oklahoma State Bureau of Narcotics and
4 Dangerous Drugs Control as to the existence or status of any license
5 or permit to sell, transfer, or possess precursor substances or any
6 report containing data collected and required to be transmitted by a
7 registrant to the Oklahoma State Bureau of Narcotics and Dangerous
8 Drugs Control Central Repository pursuant to the provisions of the
9 Anti-Drug Diversion Act as set forth under the Uniform Controlled
10 Dangerous Substances Act; or

11 5. A report from the Department of Public Safety as to the
12 handling and storage of evidence,
13 which has been made available to the accused by the office of the
14 district attorney at least five (5) days prior to the hearing, with
15 reference to all or any part of the evidence submitted, when
16 certified as correct by the persons making the report shall be
17 received as evidence of the facts and findings stated, if relevant
18 and otherwise admissible in evidence. If a report is deemed
19 relevant by the state or the accused, the court shall admit the
20 report without the testimony of the person making the report, unless
21 the court, pursuant to subsection C of this section, orders the
22 person making the report to appear. If the accused is not served
23 with a report, by the district attorney, within five (5) days prior
24 to a hearing, the accused may be allowed a continuance of the

1 portion of the hearing to which the report is relevant, to allow at
2 least five (5) days' preparation subsequent to the district
3 attorney's furnishing of the report.

4 B. When any alleged controlled dangerous substance has been
5 submitted to the laboratory of the Bureau for analysis, and such
6 analysis shows that the submitted material is a controlled dangerous
7 substance, the distribution of which constitutes a felony under the
8 laws of this state, no portion of such substance shall be released
9 to any other person or laboratory without an order of a district
10 court. The defendant shall additionally be required to submit to
11 the court a procedure for transfer and analysis of the subject
12 material to ensure the integrity of the sample and to prevent the
13 material from being used in any illegal manner.

14 C. For purposes of the medical examiner's report of
15 investigation or autopsy report, or a laboratory report from a
16 forensic laboratory operated by the State of Oklahoma or any
17 political subdivision thereof or a report from the Oklahoma State
18 Bureau of Narcotics and Dangerous Drugs Control as to the existence
19 or status of any license or permit to sell, transfer, or possess
20 precursor substances:

21 1. The court, upon motion of the state or the accused, shall
22 order the attendance of any person preparing a report submitted as
23 evidence in any hearing prior to trial or forfeiture hearing, when
24 it appears there is a substantial likelihood that material evidence

1 not contained in such report may be produced by the testimony of the
2 person having prepared the report;

3 2. The motion shall be filed and notice of the hearing on the
4 motion to order the attendance of the ~~Chief Medical Examiner State~~
5 Forensic Pathologist, a medical examiner, consultant pathologist, or
6 anyone under their supervision or control shall be given to the
7 ~~medical examiner's office~~ Office of State Pathology. The hearing
8 shall be held and, if sustained, an order issued not less than five
9 (5) days prior to the time when the testimony shall be required; and

10 3. If within five (5) days prior to the hearing or during a
11 hearing a motion is made pursuant to this subsection requiring a
12 person having prepared a report to testify, the court may hear a
13 report or other evidence but shall continue the hearing until such
14 time notice of the motion and hearing is given to the ~~medical~~
15 ~~examiner's office~~ Office of State Pathology, the motion is heard,
16 and, if sustained, testimony ordered can be given.

17 SECTION 32. AMENDATORY 22 O.S. 2001, Section 1602, as
18 last amended by Section 1, Chapter 427, O.S.L. 2009 (22 O.S. Supp.
19 2010, Section 1602), is amended to read as follows:

20 Section 1602. A. The Domestic Violence Fatality Review Board
21 shall be composed of eighteen (18) members, or their designees, as
22 follows:

23 1. Eight of the members shall be:

24 a. the ~~Chief Medical Examiner State~~ Forensic Pathologist,

- b. a designee of the Attorney General. The designee shall be a person assigned to the Victims Services Unit of the Office of the Attorney General,
- c. the State Commissioner of Health,
- d. the Chief of Injury Prevention Services of the State Department of Health,
- e. the Director of the Department of Human Services,
- f. the Director of the Oklahoma State Bureau of Investigation,
- g. the Commissioner of the Department of Mental Health and Substance Abuse Services, and
- h. the Executive Director of the Office of Juvenile Affairs; and

2. Ten of the members shall be appointed by the Attorney General, shall serve for terms of two (2) years and shall be eligible for reappointment. The members shall be persons having training and experience in matters related to domestic violence.

The appointed members shall include:

- a. a county sheriff selected from a list of three names submitted by the executive board of the Oklahoma Sheriffs' Association,
- b. a chief of a municipal police department selected from a list of three names submitted by the Oklahoma Association of Chiefs of Police,

- c. an attorney licensed in this state who is in private practice selected from a list of three names submitted by the Board of Governors of the Oklahoma Bar Association,
- d. a district attorney selected from a list of three names submitted by the District Attorneys Council,
- e. a physician selected from a list of three names submitted by the Oklahoma State Medical Association,
- f. a physician selected from a list of three names submitted by the Oklahoma Osteopathic Association,
- g. a nurse selected from a list of three names submitted by the Oklahoma Nurses Association,
- h. two individuals, at least one of whom shall be a survivor of domestic violence, selected from lists of three names submitted by the Oklahoma Coalition Against Domestic Violence and Sexual Assault, and
- i. a member of the Judiciary selected from a list of three names submitted by the Oklahoma Supreme Court.

B. Every two (2) years the Board shall elect from among its membership a chair and a vice-chair. The Board shall meet at least quarterly and may meet more frequently as necessary as determined by the chair. Members shall serve without compensation but may be reimbursed for necessary travel out of funds available to the Office of the Attorney General pursuant to the State Travel Reimbursement

1 Act; provided, that the reimbursement shall be paid in the case of
2 state employee members by the agency employing the member.

3 C. With funds appropriated or otherwise available for that
4 purpose, the Office of the Attorney General shall provide
5 administrative assistance and services to the Domestic Violence
6 Fatality Review Board.

7 SECTION 33. AMENDATORY 51 O.S. 2001, Section 24A.5, as
8 last amended by Section 34, Chapter 16, O.S.L. 2006 (51 O.S. Supp.
9 2010, Section 24A.5), is amended to read as follows:

10 Section 24A.5 All records of public bodies and public officials
11 shall be open to any person for inspection, copying, or mechanical
12 reproduction during regular business hours; provided:

13 1. The Oklahoma Open Records Act, Sections 24A.1 through 24A.28
14 of this title, does not apply to records specifically required by
15 law to be kept confidential including:

- 16 a. records protected by a state evidentiary privilege
17 such as the attorney-client privilege, the work
18 product immunity from discovery and the identity of
19 informer privileges,
- 20 b. records of what transpired during meetings of a public
21 body lawfully closed to the public such as executive
22 sessions authorized under the Oklahoma Open Meeting
23 Act, Section 301 et seq. of Title 25 of the Oklahoma
24 Statutes,

1 c. personal information within driver records as defined
2 by the Driver's Privacy Protection Act, 18 United
3 States Code, Sections 2721 through 2725, or

4 d. information in the files of the Board of ~~Medicolegal~~
5 ~~Investigations~~ Forensic Pathology obtained pursuant to
6 Sections 940 and 941 of Title 63 of the Oklahoma
7 Statutes that may be hearsay, preliminary
8 unsubstantiated investigation-related findings, or
9 confidential medical information.

10 2. Any reasonably segregable portion of a record containing
11 exempt material shall be provided after deletion of the exempt
12 portions; provided however, the Department of Public Safety shall
13 not be required to assemble for the requesting person specific
14 information, in any format, from driving records relating to any
15 person whose name and date of birth or whose driver license number
16 is not furnished by the requesting person.

17 The Oklahoma State Bureau of Investigation shall not be required to
18 assemble for the requesting person any criminal history records
19 relating to persons whose names, dates of birth, and other
20 identifying information required by the Oklahoma State Bureau of
21 Investigation pursuant to administrative rule are not furnished by
22 the requesting person.

23 3. Any request for a record which contains individual records
24 of persons, and the cost of copying, reproducing or certifying each

1 individual record is otherwise prescribed by state law, the cost may
2 be assessed for each individual record, or portion thereof requested
3 as prescribed by state law. Otherwise, a public body may charge a
4 fee only for recovery of the reasonable, direct costs of record
5 copying, or mechanical reproduction. Notwithstanding any state or
6 local provision to the contrary, in no instance shall the record
7 copying fee exceed twenty-five cents (\$0.25) per page for records
8 having the dimensions of eight and one-half (8 1/2) by fourteen (14)
9 inches or smaller, or a maximum of One Dollar (\$1.00) per copied
10 page for a certified copy. However, if the request:

- 11 a. is solely for commercial purpose, or
- 12 b. would clearly cause excessive disruption of the
13 essential functions of the public body,

14 then the public body may charge a reasonable fee to recover the
15 direct cost of record search and copying; however, publication in a
16 newspaper or broadcast by news media for news purposes shall not
17 constitute a resale or use of a record for trade or commercial
18 purpose and charges for providing copies of electronic data to the
19 news media for a news purpose shall not exceed the direct cost of
20 making the copy. The fee charged by the Department of Public Safety
21 for a copy in a computerized format of a record of the Department
22 shall not exceed the direct cost of making the copy unless the fee
23 for the record is otherwise set by law.

24

1 Any public body establishing fees under ~~this act~~ the Oklahoma
2 Open Records Act shall post a written schedule of the fees at its
3 principal office and with the county clerk.

4 In no case shall a search fee be charged when the release of
5 records is in the public interest, including, but not limited to,
6 release to the news media, scholars, authors and taxpayers seeking
7 to determine whether those entrusted with the affairs of the
8 government are honestly, faithfully, and competently performing
9 their duties as public servants.

10 The fees shall not be used for the purpose of discouraging
11 requests for information or as obstacles to disclosure of requested
12 information.

13 4. The land description tract index of all recorded instruments
14 concerning real property required to be kept by the county clerk of
15 any county shall be available for inspection or copying in
16 accordance with the provisions of the Oklahoma Open Records Act;
17 provided, however, the index shall not be copied or mechanically
18 reproduced for the purpose of sale of the information.

19 5. A public body must provide prompt, reasonable access to its
20 records but may establish reasonable procedures which protect the
21 integrity and organization of its records and to prevent excessive
22 disruptions of its essential functions.

23 6. A public body shall designate certain persons who are
24 authorized to release records of the public body for inspection,

1 copying, or mechanical reproduction. At least one person shall be
2 available at all times to release records during the regular
3 business hours of the public body.

4 SECTION 34. AMENDATORY 59 O.S. 2001, Section 396.20, as
5 amended by Section 20, Chapter 57, O.S.L. 2003 (59 O.S. Supp. 2010,
6 Section 396.20), is amended to read as follows:

7 Section 396.20 It shall be unlawful to embalm a dead human body
8 when any fact within the knowledge or brought to the attention of
9 the embalmer is sufficient to arouse suspicion of crime in
10 connection with the cause of death of the deceased, until permission
11 of the ~~Chief Medical Examiner~~ State Forensic Pathologist has been
12 first obtained.

13 SECTION 35. AMENDATORY 63 O.S. 2001, Section 1-329.1, is
14 amended to read as follows:

15 Section 1-329.1 A. Until a permit for disposal has been issued
16 in accordance with this section, no dead human body whose death
17 occurred within the State of Oklahoma shall be cremated, buried at
18 sea, or made unavailable for further pathologic study by other
19 recognized means of destruction or dissolution of such remains.

20 B. When the person legally responsible for disposition of a
21 dead human body, whose death occurred or was pronounced within this
22 state, desires that the body be cremated, buried at sea, or made
23 unavailable for further pathologic study by other recognized means
24 of destruction or dissolution of such remains, that person shall

1 complete an application-permit form for such procedure provided by
2 the Office of ~~the Chief Medical Examiner~~ State Pathology. The
3 Office of ~~the Chief Medical Examiner~~ State Pathology shall charge a
4 fee of One Hundred Dollars (\$100.00) for each cremation permit
5 issued. The ~~Medical Examiner~~ State Forensic Pathologist shall be
6 notified, ~~as required in Section 938 of this title.~~ He The State
7 Forensic Pathologist shall perform the required investigation and
8 shall issue a valid death certificate as required by Section 947 of
9 this title and execute the permit in accordance with rules
10 established by the ~~Office of the Chief Medical Examiner~~ Board of
11 Forensic Pathology. In order to be valid each permit must contain
12 an individual number assigned to the particular permit by the Office
13 of ~~the Chief Medical Examiner~~ State Pathology. A copy of the
14 application-permit form and the original death certificate shall be
15 filed with the local registrar of vital statistics of the
16 registration district in which the death occurred or was pronounced.
17 The original application-permit form shall be filed by the funeral
18 director with the Office of ~~the Chief Medical Examiner~~ State
19 Pathology. Such filing shall occur or be postmarked within
20 forty-eight (48) hours of the death.

21 C. If death occurred or was pronounced outside the geographic
22 limits of the State of Oklahoma and the body is brought into this
23 state for such disposal, a transit permit or a permit for removal,
24 issued in accordance with the laws and regulations in force where

1 the death occurred shall authorize the transportation of the body
2 into or through this state and shall be accepted in lieu of a
3 certificate of death as required above. A valid permit issued for
4 disposal of such body in accordance with the laws in the
5 jurisdiction where the body died or death was pronounced shall be
6 authority for cremation or burial at sea or to make the body
7 otherwise unavailable for further pathologic study by other
8 recognized means of destruction or dissolution of such remains.

9 SECTION 36. AMENDATORY 63 O.S. 2001, Section 2-309D, as
10 last amended by Section 3, Chapter 160, O.S.L. 2010 (63 O.S. Supp.
11 2010, Section 2-309D), is amended to read as follows:

12 Section 2-309D. A. The information collected at the central
13 repository pursuant to the Anti-Drug Diversion Act shall be
14 confidential and shall not be open to the public. Access to the
15 information shall be limited to:

16 1. Peace officers certified pursuant to Section 3311 of Title
17 70 of the Oklahoma Statutes who are employed as investigative agents
18 of the Oklahoma State Bureau of Narcotics and Dangerous Drugs
19 Control;

20 2. The United States Drug Enforcement Administration Diversion
21 Group Supervisor;

22 3. The executive director or chief investigator, as designated
23 by each board, of the following state boards:

24 a. Board of Podiatric Medical Examiners,

- 1 b. Board of Dentistry,
- 2 c. State Board of Pharmacy,
- 3 d. State Board of Medical Licensure and Supervision,
- 4 e. State Board of Osteopathic Examiners,
- 5 f. State Board of Veterinary Medical Examiners, and
- 6 g. Oklahoma Health Care Authority;

7 provided, however, that the executive director or chief investigator
8 of each of these boards shall be limited to access to information
9 relevant to licensees of the employing board of such executive
10 director or chief investigator; and

11 4. A multicounty grand jury properly convened pursuant to the
12 Multicounty Grand Jury Act, Sections 350 through 363 of Title 22 of
13 the Oklahoma Statutes.

14 B. This section shall not prevent the disclosure, at the
15 discretion of the Director of the Oklahoma Bureau of Narcotics and
16 Dangerous Drugs Control, of investigative information to peace
17 officers and investigative agents of federal, state, county or
18 municipal law enforcement agencies, district attorneys and the
19 Attorney General in furtherance of criminal investigations or
20 prosecutions within their respective jurisdictions, and to
21 registrants in furtherance of efforts to guard against the diversion
22 of controlled dangerous substances.

23 C. Any unauthorized disclosure of any information collected at
24 the central repository provided by the Anti-Drug Diversion Act shall

1 be a misdemeanor. Violation of the provisions of this section shall
2 be deemed willful neglect of duty and shall be grounds for removal
3 from office.

4 D. Notwithstanding the provisions of subsection B of this
5 section, registrants shall have no requirement or obligation to
6 access or check the information in the central repository prior to
7 dispensing or administering medications or as part of their
8 professional practices. Registrants shall not be liable to any
9 person for any claim of damages as a result of accessing or failing
10 to access the information in the central repository and no lawsuit
11 may be predicated thereon. Nothing herein shall be construed to
12 relieve a registrant from any duty to monitor and report the sales
13 of certain products pursuant to subsection E of Section 2-309C of
14 this title.

15 E. Information regarding nonfatal overdoses, other than
16 statistical information as required by Section 2-106 of this title,
17 shall be completely confidential. Access to this information shall
18 be strictly limited to the Director of the Oklahoma State Bureau of
19 Narcotics and Dangerous Drugs Control or designee, the ~~Chief Medical~~
20 ~~Examiner~~ State Forensic Pathologist, and the registrant that enters
21 the information. Registrants shall not be liable to any person for
22 a claim of damages for information reported pursuant to the
23 provisions of Section 2-105 of this title.

24

1 SECTION 37. AMENDATORY 63 O.S. 2001, Section 2-315, is
2 amended to read as follows:

3 Section 2-315. A. Except as otherwise provided by law, any
4 person required to obtain an annual registration pursuant to Section
5 2-302 of this title, or any group home, or residential care home as
6 defined by Section 1-820 of this title shall submit for destruction
7 all controlled dangerous substances which are out of date, which are
8 unwanted, unused or which are abandoned by their owner at their
9 facility due to death or other circumstances.

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

22 C. Controlled dangerous substances submitted to the Oklahoma
23 State Bureau of Investigation pursuant to the provisions of this
24

1 section shall be destroyed pursuant to the procedures provided in
2 subsection A of Section 2-508 of this title.

3 Controlled dangerous substances submitted to any distributors,
4 reverse distributors or their original registered suppliers pursuant
5 to the provisions of this section shall be destroyed by incineration
6 so as to make the substance absolutely unusable for human purposes.
7 An official record listing the property destroyed, the location of
8 destruction and disposal, and the name and title of the person
9 supervising the destruction and disposal shall be submitted to the
10 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control and
11 the federal Drug Enforcement Administration office located nearest
12 the destruction site.

13 D. The Office of ~~the Chief Medical Examiner~~ State Pathology is
14 hereby authorized to perform on-site incineration of all controlled
15 dangerous substances which are obtained in the discharge of the
16 official duties of the ~~Chief Medical Examiner~~ State Forensic
17 Pathologist. Any record relating to destruction of a controlled
18 dangerous substance shall be maintained as required by the state or
19 federal government and shall be available for inspection by
20 appropriate state or federal government regulatory agencies.

21 E. This section shall constitute a part of the Uniform
22 Controlled Dangerous Substances Act.

23
24

1 SECTION 38. AMENDATORY 63 O.S. 2001, Section 93, as
2 amended by Section 3, Chapter 114, O.S.L. 2006 (63 O.S. Supp. 2010,
3 Section 93), is amended to read as follows:

4 Section 93. It is unlawful for any person or persons to perform
5 an autopsy on any dead human body mentioned in ~~this article~~ Section
6 91 et seq. of this title, except at the request of the ~~Chief Medical~~
7 ~~Examiner~~ State Forensic Pathologist or a district attorney of the
8 county where such body is located, without the written, telegraphic
9 or telephonic consent of the executive director of the Anatomical
10 Board, or the Board's agent. Such telegraphic or telephonic consent
11 shall be verified by written consent.

12 SECTION 39. AMENDATORY Section 23, Chapter 139, O.S.L.
13 2009 (63 O.S. Supp. 2010, Section 2200.23A), is amended to read as
14 follows:

15 Section 2200.23A A. Upon request of a procurement
16 organization, a medical examiner shall release to the procurement
17 organization the name, contact information, and available medical
18 and social history of a decedent whose body is under the
19 jurisdiction of the medical examiner. If the decedent's body or
20 part is medically suitable for transplantation, therapy, research,
21 or education, the medical examiner shall release postmortem
22 examination results to the procurement organization. The
23 procurement organization may make a subsequent disclosure of the
24 postmortem examination results or other information received from

1 the medical examiner only if relevant to transplantation, therapy,
2 research or education.

3 B. The medical examiner may conduct a medicolegal investigation
4 by reviewing all medical records, laboratory test results, x-rays,
5 other diagnostic results, and other information that any person
6 possesses about a donor or prospective donor whose body is under the
7 jurisdiction of the medical examiner that the medical examiner
8 determines may be relevant to the investigation.

9 C. A person who has any information requested by a medical
10 examiner pursuant to subsection B of this section shall provide that
11 information as expeditiously as possible to allow the medical
12 examiner to conduct the medicolegal investigation within a period
13 compatible with the preservation of parts for the purpose of
14 transplantation, therapy, research, or education.

15 D. If an anatomical gift has been or might be made of a part of
16 a decedent whose body is under the jurisdiction of the medical
17 examiner and a postmortem examination is not required, or the
18 medical examiner determines that a postmortem examination is
19 required but that the recovery of the part that is the subject of an
20 anatomical gift will not interfere with the examination, the medical
21 examiner and procurement organization shall cooperate in the timely
22 removal of the part from the decedent for the purpose of
23 transplantation, therapy, research, or education.

24

1 E. The medical examiner and procurement organizations shall
2 enter into an agreement setting forth protocols and procedures to
3 govern relations between the parties when an anatomical gift of a
4 part from the decedent under the jurisdiction of the medical
5 examiner has been or might be made, but the medical examiner
6 believes that the recovery of the part could interfere with the
7 postmortem investigation into the decedent's cause or manner of
8 death. Decisions regarding the recovery of organs, tissue and eyes
9 from such a decedent shall be made in accordance with the agreement.
10 In the event that the medical examiner denies recovery of an
11 anatomical gift, the procurement organization may request the ~~Chief~~
12 ~~Medical Examiner~~ State Forensic Pathologist to reconsider the denial
13 and to permit the recovery to proceed. The parties shall evaluate
14 the effectiveness of the protocols and procedures at regular
15 intervals but no less frequently than every two (2) years.

16 F. If the medical examiner or designee allows recovery of a
17 part under subsection D or E of this section, the procurement
18 organization, upon request, shall cause the physician or technician
19 who removes the part to provide the medical examiner with a record
20 describing the condition of the part, a biopsy, a photograph, and
21 any other information and observations that would assist in the
22 postmortem examination.

23 G. If a medical examiner or designee is required to be present
24 at a removal procedure under subsection E of this section, upon

1 request the procurement organization requesting the recovery of the
2 part shall reimburse the medical examiner or designee for the
3 additional costs incurred in complying with subsection E of this
4 section.

5 SECTION 40. AMENDATORY 74 O.S. 2001, Section 150.2, as
6 last amended by Section 1, Chapter 303, O.S.L. 2006 (74 O.S. Supp.
7 2010, Section 150.2), is amended to read as follows:

8 Section 150.2 The Oklahoma State Bureau of Investigation shall
9 have the power and duty to:

10 1. Maintain a nationally accredited scientific laboratory to
11 assist all law enforcement agencies in the discovery and detection
12 of criminal activity;

13 2. Maintain fingerprint and other identification files
14 including criminal history records, juvenile identification files,
15 and DNA profiles;

16 3. Establish, coordinate and maintain the automated
17 fingerprinting identification system (AFIS) and the deoxyribonucleic
18 acid (DNA) laboratory;

19 4. Operate teletype, mobile and fixed radio or other
20 communications systems;

21 5. Conduct schools and training programs for the agents, peace
22 officers, and technicians of this state charged with the enforcement
23 of law and order and the investigation and detection of crime;

24

1 6. Assist the Director of the Oklahoma State Bureau of
2 Narcotics and Dangerous Drugs Control, the ~~Chief Medical Examiner~~
3 State Forensic Pathologist, and all law enforcement officers and
4 district attorneys when such assistance is requested, in accordance
5 with the policy determined by the Oklahoma State Bureau of
6 Investigation Commission established in Section 150.3 of this title;

7 7. Investigate and detect criminal activity when directed to do
8 so by the Governor;

9 8. Investigate, detect, institute and maintain actions
10 involving vehicle theft pursuant to Section 150.7a of this title or
11 oil, gas or oil field equipment theft pursuant to Sections 152.2
12 through 152.9 of this title;

13 9. Investigate any criminal threat made to the physical safety
14 of elected or appointed officials of this state or any political
15 subdivision of the state and forward the results of that
16 investigation to the Department of Public Safety, and provide
17 security to foreign elected or appointed officials while they are in
18 this state on official business;

19 10. Investigate and detect violations of the Oklahoma Computer
20 Crimes Act; and

21 11. Investigate and enforce all laws relating to any crime
22 listed as an exception to the definition of "nonviolent offense" as
23 set forth in section 571 of Title 57 of the Oklahoma Statutes that
24 occur on the turnpikes.

1 SECTION 41. REPEALER 63 O.S. 2001, Section 944.2, is
2 hereby repealed.

3 SECTION 42. This act shall become effective July 1, 2011.

4 SECTION 43. It being immediately necessary for the preservation
5 of the public peace, health and safety, an emergency is hereby
6 declared to exist, by reason whereof this act shall take effect and
7 be in full force from and after its passage and approval.

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