

1 STATE OF OKLAHOMA

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

3 CONFERENCE COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL 250

6 By: Marlatt, Ballenger,
7 Garrison, Johnson
8 (Constance), Paddack,
9 Shortey, Brinkley and David
10 of the Senate

11 and

12 Armes, Billy, Hilliard,
13 Cockroft, McAffrey, Tibbs,
14 Cox, Condit, Ritze, Scott,
15 Sherrer, Roan and Hoskin of
16 the House

17 CONFERENCE COMMITTEE SUBSTITUTE

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

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

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

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

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

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

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

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

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

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

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

14 C. Reports of the medical examiner made prior to November 1,
15 2011, may be appealed by the spouse of the deceased or any person
16 within one degree of consanguinity of the deceased under the
17 procedures specified in subsection A of this section. Appeals made
18 pursuant to this subsection shall be filed no later than November 1,
19 2013.

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

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