

1 ENGROSSED SENATE
2 BILL NO. 250

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

and

Armes and Billy of the
House

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8
9 [Office of the Chief Medical Examiner - Chanda
10 Turner Reform Act - codification - noncodification -
effective date]
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13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

18 SECTION 2. AMENDATORY 63 O.S. 2001, Section 931, as
19 amended by Section 1, Chapter 410, O.S.L. 2005 (63 O.S. Supp. 2010,
20 Section 931), is amended to read as follows:

21 Section 931. A. The Board of Medicolegal Investigations is
22 hereby re-created. The Board shall consist of seven (7) members
23 appointed by the Governor and confirmed by the Senate. The members
24 of the Board shall be:

- 1 ~~1. The Director of the State Bureau of Investigation, or a~~
2 ~~designee;~~
- 3 ~~2. The State Commissioner of Health, or a designee;~~
- 4 ~~3. The Dean of the College of Medicine of the University of~~
5 ~~Oklahoma, or a designee;~~
- 6 ~~4. The President or Dean of the Oklahoma State University~~
7 ~~Center for Health Sciences, or a designee;~~
- 8 ~~5. The President of the Oklahoma Bar Association, or a~~
9 ~~designee;~~
- 10 ~~6. The President of the Oklahoma Osteopathic Association, or a~~
11 ~~designee;~~
- 12 ~~7. The President of the Oklahoma State Medical Association, or~~
13 ~~a designee; and~~
- 14 ~~8. A funeral director, as provided by Section 396.3 of Title 59~~
15 ~~of the Oklahoma Statutes, appointed by the Oklahoma State Board of~~
16 ~~Embalmers and Funeral Directors~~
- 17 A family member of a victim of violent crime;
- 18 2. A member of law enforcement with training and experience in
19 homicide investigations;
- 20 3. A criminal defense attorney licensed to practice in this
21 state with at least five (5) years of experience in homicide cases;
- 22 4. A retired member of the judiciary who has presided over at
23 least thirty (30) homicide trials;
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1 5. Two physicians licensed to practice in the state with
2 training and experience in pathology;

3 6. A funeral director who holds a valid license from the
4 Oklahoma State Board of Embalmers and Funeral Directors.

5 B. Members of the Board shall serve for regular terms of six
6 (6) years, except for the initial appointments by the Governor which
7 shall be as follows:

8 1. The initial term of three (3) members shall be for two (2)
9 years;

10 2. The initial term of two (2) members shall be for four (4)
11 years;

12 3. The initial term of two (2) members shall be for six (6)
13 years.

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

21 SECTION 3. AMENDATORY 63 O.S. 2001, Section 934, is
22 amended to read as follows:

23 Section 934. The Board of Medicolegal Investigations shall
24 appoint, upon the approval of the Governor, a Chief Medical Examiner

1 who shall be a physician licensed to practice in Oklahoma and a
2 diplomate of the American Board of Pathology or the American
3 Osteopathic Board of Pathology in forensic pathology. The Chief
4 Medical Examiner shall ~~serve at the pleasure of the Board~~ only be
5 terminated for cause by the Board. In addition to the duties
6 prescribed by law, the Chief Medical Examiner may teach in any
7 medical school in this state and conduct special classes for law
8 enforcement officers.

9 SECTION 4. AMENDATORY 63 O.S. 2001, Section 935, as last
10 amended by Section 5, Chapter 269, O.S.L. 2008 (63 O.S. Supp. 2010,
11 Section 935), is amended to read as follows:

12 Section 935. A. The Chief Medical Examiner shall be directly
13 responsible to the Board for the performance of the duties provided
14 for in ~~this act~~ Section 931 et seq. of this title and for the
15 administration of the office of the Chief Medical Examiner. The
16 Chief Medical Examiner may, however, delegate specific duties to
17 competent and qualified deputies who may act for the Chief Medical
18 Examiner within the scope of the express authority granted by the
19 Chief Medical Examiner, subject, however, to such rules as the Board
20 may prescribe. Such rules shall, at a minimum, specify the minimum
21 qualifications, training and experience required of the deputies.

22 B. Employees of the Office of the Chief Medical Examiner who
23 serve solely in an administrative capacity and do not investigate or
24 autopsy deaths as provided by law shall not be superior to or

1 infringe upon the authority of the Chief Medical Examiner in matters
2 regarding the employment of a deputy or the findings of an
3 investigation.

4 SECTION 5. AMENDATORY 63 O.S. 2001, Section 938, is
5 amended to read as follows:

6 Section 938. A. All human deaths of the types listed herein
7 shall be investigated as provided by law by a physician licensed to
8 practice in this state or an investigator certified by the Chief
9 Medical Examiner to investigate deaths with at least five hundred
10 (500) hours of education approved by the Board of Medicolegal

11 Investigations:

12 1. Violent deaths, whether apparently homicidal, suicidal, or
13 accidental, including but not limited to, deaths due to thermal,
14 chemical, electrical, or radiational injury, and deaths due to
15 criminal abortion, whether apparently self-induced or not;

16 2. Deaths under suspicious, unusual or unnatural circumstances;

17 3. Deaths related to disease which might constitute a threat to
18 public health;

19 4. Deaths unattended by a licensed medical or osteopathic
20 physician for a fatal or potentially-fatal illness;

21 5. Deaths of persons after unexplained coma;

22 6. Deaths that are medically unexpected and that occur in the
23 course of a therapeutic procedure;

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1 7. Deaths of any inmates occurring in any place of penal
2 incarceration; and

3 8. Deaths of persons whose bodies are to be cremated, buried at
4 sea, transported out of the state, or otherwise made ultimately
5 unavailable for pathological study.

6 B. Investigations as required under subsection A of this
7 section shall be conducted independently from any and all law
8 enforcement agencies.

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

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

1 SECTION 6. AMENDATORY 63 O.S. 2001, Section 942, is
2 amended to read as follows:

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

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

14 SECTION 7. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 942a of Title 63, unless there
16 is created a duplication in numbering, reads as follows:

17 A. The spouse of the deceased or any person within one degree
18 of consanguinity of the deceased may appeal the findings of the
19 medical examiner to the Board of Medicolegal Investigations within
20 one year from the completion of the report. Such appeal shall be
21 made in writing and shall state the nature and reasons for the
22 appeal. The Board shall investigate the appeal and provide written
23 findings of facts and conclusions of law within three (3) months of
24 the request for appeal. The opinions or findings of the member of

1 the Board who is a family member of a victim of violent crime shall
2 not be binding on the remaining members of the Board when
3 determining the facts and conclusions of law, but shall be taken in
4 advisement by such Board members. Should the Board find that the
5 findings of the medical examiner are erroneous, the Board shall
6 immediately correct the report and transmit the appropriate
7 paperwork to the State Department of Health for the correction of
8 the death certificate.

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

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

20 SECTION 8. AMENDATORY 63 O.S. 2001, Section 944, is
21 amended to read as follows:

22 Section 944. A. When necessary in connection with an
23 investigation to determine the cause and/or manner of death and when
24 the public interest requires it, the Chief Medical Examiner, ~~his~~ the

1 Chief Medical Examiner's designee, a medical examiner or a district
2 attorney shall require and authorize an autopsy to be conducted. In
3 determining whether the public interest requires an autopsy the
4 medical examiner or district attorney involved shall take into
5 account but shall not be bound by request ~~therefor~~ from private
6 persons or from other public officials. In addition, the Chief
7 Medical Examiner, the Chief Medical Examiner's designee, a medical
8 examiner or a district attorney shall require and authorize an
9 autopsy to be conducted for the following types of deaths:

10 1. Violent deaths, whether apparently homicidal, suicidal, or
11 accidental, including but not limited to, deaths due to thermal,
12 chemical, electrical, or radiational injury, and deaths due to
13 criminal abortion, whether apparently self-induced or not;

14 2. Deaths under suspicious, unusual or unnatural circumstances;

15 3. Deaths of any inmates occurring in any place of penal
16 incarceration; and

17 4. Deaths of persons whose bodies are to be cremated, buried at
18 sea, transported out of the state, or otherwise made ultimately
19 unavailable for pathological study.

20 B. The Chief Medical Examiner, ~~his~~ a designee or a medical
21 examiner, may collect such blood, fluid or body waste specimens as
22 ~~he deems~~ deemed necessary to carry out ~~his~~ the duties of the Chief
23 Medical Examiner as specified in ~~this act~~ Section 931 et seq. of

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1 this title. No autopsy authorization shall be required as a
2 prerequisite to the collection of such specimens.

3 SECTION 9. This act shall become effective November 1, 2011.

4 Passed the Senate the 15th day of March, 2011.

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Presiding Officer of the Senate

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8 Passed the House of Representatives the ____ day of _____,

9 2011.

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Presiding Officer of the House
of Representatives

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