ENGROSSED SENATE
BILL NO. 671 By: Jolley of the Senate

and

Grau of the House

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

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

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

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

B. The Board of State Pathology is hereby created. The 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 and/or missing persons;

4. An owner and/or director of a funeral home or member of an organization that represents funeral homes;

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

6. A person representing district attorneys;

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

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

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

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

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

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

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

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

Section 932. A. The Board of State Pathology is hereby authorized to promulgate rules and regulations necessary or appropriate to carry out effectively the provisions of ~~this act~~ Section 931 et seq. of this title. Such rules and regulations shall be filed with the Secretary of State and shall not be effective until ten (10) days after the date of filing. The Board shall, on

the date of filing, send a copy of the rules and regulations by the United States mail to the state regulatory board the licensees of which are affected thereby.

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

Section 933. A. The Office of t~~he Chief Medical Examiner of the State of Oklahoma~~ State Pathology is hereby established to be operated under the control and supervision of the Board of State Pathology.

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

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

2. Employing personnel for the Office; and

3. Performing other duties as necessary to support the State Pathologist in the State Pathologist's duties.

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

Section 934. A. The Board of ~~Medicolegal Investigations~~ State Pathology shall appoint ~~a Chief Medical Examiner~~ the State Pathologist who shall be a physician licensed to practice in

Oklahoma and a diplomate of the American Board of Pathology or the American Osteopathic Board of Pathology in forensic pathology. The ~~Chief Medical Examiner~~ State Pathologist shall serve at the pleasure of the Board.

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

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

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

Section 935. The ~~Chief Medical Examiner~~ State Pathologist shall be directly responsible to the Board of State Pathology for the performance of the duties provided for in ~~this act and for the administration of the office of the Chief Medical Examiner~~ Section 931 et seq. of this title. The ~~Chief Medical Examiner~~ State Pathologist may~~, however,~~ delegate specific duties to competent and qualified deputies who may act for the ~~Chief Medical Examiner~~ State Pathologist within the scope of the express authority granted by the

~~Chief Medical Examiner~~ State Pathologist, subject, however, to such rules as the Board may prescribe.

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

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

B. The Office of ~~the State Medical Examiner~~ State Pathology is authorized to take all necessary steps to effectuate the relocation of the Office of ~~the State Medical Examiner~~ State Pathology to a location immediately adjacent or in close proximity to the University of Central Oklahoma Forensic Science Institute, including, but not limited to, entering into a lease-purchase agreement.

C. The University of Central Oklahoma is authorized to take all necessary steps to effectuate the relocation of the Office of ~~the State Medical Examiner~~ State Pathology to a location immediately adjacent or in close proximity to the University of Central Oklahoma Forensic Science Institute, including, but not limited to,

constructing a building or buildings and entering into a lease-purchase agreement.

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

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

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

Section 937. The ~~Chief Medical Examiner~~ Executive Director of the Office of State Pathology shall appoint, in consultation with the State Pathologist, medical examiners for each county of the state. Each medical examiner so appointed shall be a Doctor of Medicine or Osteopathy and Surgery, shall hold a valid license to practice ~~his~~ the profession in Oklahoma, and shall hold office at the pleasure of the Board of State Pathology. In the event there is no qualified person in the county or no person willing to serve as a medical examiner, or in the event the medical examiner is absent from the county in which ~~he~~ the medical examiner serves, or is ill or disqualified by personal interest, the ~~Chief Medical Examiner~~ Executive Director may ~~in his discretion~~ appoint as a medical examiner for ~~such~~ the county a qualified person from another

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

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

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

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

2. Deaths under suspicious, unusual or unnatural circumstances;

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

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

5. Deaths of persons after unexplained coma;

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

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

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

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

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

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

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

B. Except as otherwise provided by law, the ~~Chief Medical Examiner~~ State Pathologist shall produce records, documents, evidence or other material of any nature only upon the order of a court of competent jurisdiction. An interested party or litigant in a civil or criminal action may make application for an order to produce such materials. The court, after notice to all parties, including the ~~Chief Medical Examiner~~ State Pathologist, and a hearing on the application, may, upon the showing of good cause, direct the release of a copy or any part of such material. In addition, the court may also direct the payment of reasonable costs by the requesting party for the production of the material. The production of such material shall take place at the Office of the ~~Chief Medical Examiner~~ State Pathologist unless, upon a showing of good cause, specifically ordered otherwise by the court.

SECTION 11. AMENDATORY 63 O.S. 2001, Section 940, is amended to read as follows:

Section 940. A. 1. All law enforcement officers and other state and county officials shall cooperate with the ~~Chief Medical Examiner~~ State Pathologist and all other medical examiners in making investigations required pursuant to the provisions of ~~Sections~~ Section 931 ~~through 954~~ et seq. of this title. ~~Said~~ The officials and the physician in attendance of the deceased, or other persons when the deceased was unattended by a physician, shall promptly notify the medical examiner of the occurrence of all deaths coming to their attention which, pursuant to the provisions of ~~Sections~~ Section 931 t~~hrough 954~~ et seq. of this title, are subject to investigation, and shall assist in making dead bodies and related evidence available for investigation.

2. The scene of a death subject to the provisions of ~~Sections~~ Section 931 ~~through 954~~ et seq. of this title shall not be disturbed until authorized by the ~~Chief Medical Examiner~~ State Pathologist, ~~his~~ a designee, or a county medical examiner, and the representative of any law enforcement agency which has begun an investigation of the cause of death. ~~Said~~ The authorization may be given by telephone. Nothing in ~~Sections~~ Section 931 ~~through 954~~ et seq. of this title shall prevent the district attorney or ~~his~~ a designee from authorizing the removal of a body when the removal is determined by ~~him~~ such person to be in the public interest and conditions at the scene are adequately documented and preserved by photographs and measurements.

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

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

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

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

Section 941. A. Upon receipt of notice of death of any person which under ~~this act~~ Section 931 et seq. of this title is subject to investigation, the medical examiner shall immediately conduct an investigation into the cause and manner of death, and shall comply in detail with the instructions of the ~~Chief Medical Examiner~~ State Pathologist as provided for in Section 939 of this title. ~~He~~ The medical examiner may have fingerprints and photographs taken~~. He~~ and may take charge of any object or writing found on or near the

body which ~~he deems~~ is deemed necessary for the purpose of establishing the cause and/or manner of death.

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

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

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

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

Section 941a. Within three (3) hours after the death of any person who is at the time of death attended by a licensed medical or osteopathic physician, the body of the deceased shall be released,

upon demand, to the person legally entitled to the custody thereof, or ~~his~~ a representative, unless:

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

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

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

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

Section 942. A. Upon completion of ~~his~~ the investigation, the medical examiner shall reduce ~~his~~ the findings to writing upon the form supplied to ~~him~~ the medical examiner which shall be promptly sent to the ~~Chief Medical Examiner~~ State Pathologist by mail. Copies of reports shall be furnished by the ~~Chief Medical Examiner~~ State Pathologist to investigating agencies having official interest therein.

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

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

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

Section 944. A. When necessary in connection with an investigation to determine the cause and/or manner of death and when the public interest requires it, the ~~Chief Medical Examiner~~ State Pathologist, ~~his~~ a designee, a medical examiner or a district attorney shall require and authorize an autopsy to be conducted. In determining whether the public interest requires an autopsy, the medical examiner or district attorney involved shall take into account but shall not be bound by request therefor from private persons or from other public officials.

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

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

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

B. A full and complete report of the facts developed by the autopsy together with the findings of the person making ~~it~~ the autopsy shall be prepared and filed in the Office of ~~the Chief Medical Examiner~~ State Pathology without unnecessary delay. Copies of such reports and findings shall be furnished to district attorneys and law enforcement officers making a criminal investigation in connection with the death. The next of kin, or any one of them if more than one, may designate a physician to be present when the autopsy is conducted.

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

Section 946. A. If death occurred under circumstances as enumerated in Section 938 of this title, and if the body has been

buried without proper certification of death, it shall be the duty of the medical examiner, upon ascertaining such facts, to notify the ~~Chief Medical Examiner~~ State Pathologist and the district attorney of the county in which the body was buried. The district attorney shall present facts to the judge of the district court of that county, and the judge, after a hearing, may by written order require the body to be exhumed and an autopsy performed by the ~~Chief Medical Examiner~~ State Pathologist or ~~his~~ a designee. A complete report of the facts developed by the autopsy and the findings of the person making the same shall be filed with the ~~Chief Medical Examiner~~ State Pathologist without unnecessary delay and a copy furnished the district attorney of the county within which the death occurred or within which the body was buried, or both.

B. No order for exhumation, as provided for in subsection A of this section, shall be made without notice of the hearing being served upon the decedent's surviving spouse, parents or next of kin, five (5) days prior to the hearing. The notice shall be served in the same manner as provided for by law for the service of summons in a civil action, shall include the date, time and place of the hearing and shall advise the person so notified that he or she has the right to appear and be heard by the court at that time. Provided, that the district attorney may, by affidavit, advise the court that the identity or whereabouts of any persons required to be served with notice under this subsection is unknown and cannot be

ascertained with due diligence. Upon finding that the facts stated in the affidavit are true, the court shall not require notice be given.

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

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

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

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

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

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

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

B. The Office of ~~the Chief Medical Examiner (OCME)~~ State Pathology shall store biological specimens in the control of the

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

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

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

3. The Board ~~of Medicolegal Investigations~~ shall establish a fee for drug screen services by rule. All fees collected pursuant to the provisions of this subsection shall be deposited to the ~~Chief~~

~~Medical Examiner~~ Office of the State Pathology Toxicology Laboratory Revolving Fund.

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

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

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

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

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

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

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

~~c.~~

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

~~d.~~

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

~~e.~~

f. microscopic slides, Hematoxilyn and Eosin (H&E): Ten Dollars ($10.00) each,

~~f.~~

g. special stains: Fifteen Dollars ($15.00) each, and

~~g.~~

h. photographs: Twenty-five Dollars ($25.00) per computer diskette (CD).

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

and continuing education in setting the forensic science service fees.

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

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

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

Section 949.

A. 1. a. The Office of ~~the Chief Medical Examiner~~ State Pathology shall keep full and complete records, properly indexed, giving the name, if known, of every person whose death is investigated, the place where the body was found, the date, cause, and manner of

death and all other relevant information concerning the death. The full report and detailed findings of the autopsy, if any, shall be a part of the record in each case.

b. The ~~Chief Medical Examiner~~ State Pathologist shall track and forward, within seventy-two (72) hours after the examination, demographic information on sudden, unexpected and nontraumatic infant deaths, including, but not limited to, Sudden Infant Death Syndrome (SIDS), to the Oklahoma SIDS Coordinator at the State Department of Health and the SIDS Foundation of Oklahoma. As used in this subparagraph, "Sudden Infant Death Syndrome (SIDS)" means the sudden, unexpected death of an apparently healthy infant less than one (1) year of age which remains unexplained following a complete medicolegal analysis and death scene investigation. The ~~Chief Medical Examiner~~ State Pathologist shall follow up with further notification upon final determination of a cause of death. Such notification shall be for statistical reporting purposes only.

2. The ~~office~~ Office shall promptly deliver to each district attorney having jurisdiction of the case, copies of all records relating to a death for which further investigation may be

advisable. Any district attorney or other law enforcement official may, upon request, obtain copies of ~~such~~ records or other information deemed necessary ~~to~~ for the performance of ~~such district attorney's or other law enforcement official's~~ official duties.

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

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

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

3. The party seeking admission of the reports shall then serve interrogatories concerning the facts to be answered under oath by the person preparing the records. The interrogatories and answers thereto shall be subject to the rules of evidence and may be admissible in evidence in any civil case in a court of competent

jurisdiction. Objections to the interrogatories shall be made by any party in accordance with law just as if the interrogatories had been served on the objecting party. Cross interrogatories shall be submitted and shall be answered and admitted in evidence in the same manner as interrogatories;

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

5. No other testimony of the ~~Chief Medical Examiner~~ State Pathologist, a medical examiner, consultant pathologist, or anyone under their supervision and control shall be admitted in evidence in any civil action in any court of this state, unless timely application is made to the court by an interested party or litigant and timely notice of the application is given to the medical examiner. After a hearing, the court, for good cause shown, may order the appearance of the ~~Chief Medical Examiner~~ State Pathologist, a medical examiner, consultant pathologist, or anyone under their supervision and control for the purpose of testifying and may order that a subpoena be issued for that appearance;

provided, however, that such order by the court shall be the exception and not the rule; and

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

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

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

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

information. The medical examiner shall provide such waiver to the family for signatures.

2. The medical examiner shall document receipt of the signed waiver form and shall forward such documentation to the State Department of Health and the SIDS Foundation of Oklahoma, along with information related to the possible SIDS death, including, but not limited to, the ~~infant's~~ name, date of birth, date of death, and race of the infant, ~~parents'~~ and the names, address, and phone number of the parents.

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

SECTION 23. AMENDATORY 63 O.S. 2001, Section 950, is amended to read as follows:

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

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

Section 951. The ~~Chief Medical Examiner~~ State Pathologist, ~~his~~ a designee, or a medical examiner shall be authorized to transport bodies of deceased persons of whose death he or she is officially informed to an appropriate place for autopsy or for the performance of scientific tests; provided that, after ~~said~~ the autopsy ~~shall have been~~ is performed or ~~such~~ tests made, the bodies of ~~such~~ deceased persons shall be returned to the county from which they were brought, or, when so authorized by the district attorney of ~~said~~ the county and upon request of the nearest relative of the deceased or other person who may be responsible for burial, the body may be transported to some place other than ~~said~~ the county. The ~~Chief Medical Examiner~~ State Pathologist or ~~his~~ a designee may authorize payment for the services in transporting the body to the place designated for autopsy, which shall be submitted upon a claim filed with the Board of ~~Medicolegal Investigations~~ State Pathology.

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

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

B. There is ~~hereby~~ created in the State Treasury a revolving fund for the Office of ~~the Chief Medical Examiner~~ State Pathology to be designated the "~~Chief Medical Examiner~~ State Pathology Revolving

Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all moneys received from:

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

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

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

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

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

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

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

1. Fourteen of the members shall be:

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

b. the Director of the Department of Human Services, or a designee, provided the designee shall be a person assigned to the Child Welfare Division of the Department,

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

a. a law enforcement officer selected from lists submitted by the executive boards of organizations representing sheriffs and peace officers in this state,

b. an attorney licensed in this state who is in private practice selected from a list submitted by the executive board of the Oklahoma Bar Association,

c. a district attorney selected from a list submitted by the District Attorney's Council,

d. a physician selected from lists submitted by statewide organizations representing physicians in this state,

e. a physician selected from lists submitted by statewide organizations representing osteopathic physicians in this state,

f. a member of the State Post-Adjudication Review Advisory Board,

g. a social worker selected from a list submitted by each organization representing social workers,

h. an individual selected from lists submitted by Oklahoma court-appointed special advocate associations,

i. a psychologist selected from lists submitted by Oklahoma psychological associations,

j. a member of a Native American Tribe involved in the area of protection of Native American children selected from a list submitted by the Oklahoma Indian Affairs Commission,

k. an individual selected from lists submitted by Oklahoma coalitions or associations against domestic violence and sexual assault,

l. a pediatric physician selected from lists submitted by organizations of pediatric physicians or osteopaths, and

m. a member of an emergency medical technicians association.

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

Commission pursuant to the State Travel Reimbursement Act; provided, that the reimbursement shall be paid in the case of state employee members by the agency employing the member.

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

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

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

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

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

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

Section 1313.2. A. As used in this section:

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

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

3. "DNA" means Deoxyribonucleic acid.

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

C. 1. Any person convicted of any misdemeanor or felony offense shall pay a Laboratory Analysis Fee in the amount of One Hundred Fifty Dollars ($150.00) for each offense if forensic science or laboratory services are rendered or administered by the Oklahoma State Bureau of Investigation, by the Toxicology Laboratory of the Office of ~~the Chief Medical Examiner~~ State Pathology or by any

municipality or county in connection with the case. This fee shall be in addition to and not a substitution for any and all fines and penalties otherwise provided for by law for this offense.

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

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

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

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

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

a. providing criminalistic laboratory services,

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

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

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

D. Upon conviction or bond forfeiture, the court shall collect the fee provided for in subsection B of this section and deposit it in an account created for that purpose. Except as otherwise provided in subsection E of this section, monies shall be forwarded monthly by the court clerk to the Council on Law Enforcement Education and Training. Beginning July 1, 2003, deposits shall be due on the fifteenth day of each month for the preceding calendar month. There shall be a late fee imposed for failure to make timely deposits; provided, the Council on Law Enforcement Education and Training, in its discretion, may waive all or part of the late fee. Such late fee shall be one percent (1%) of the principal amount due per day beginning from the tenth day after payment is due and accumulating until the late fee reaches one hundred percent (100%) of the principal amount due. Beginning on July 1, 1987, ninety

percent (90%) of the monies received by the Council on Law Enforcement Education and Training from the court clerks pursuant to this section shall be deposited in the CLEET Fund, and ten percent (10%) shall be deposited in the General Revenue Fund. Beginning January 1, 2001, sixty and fifty-three one-hundredths percent (60.53%) of the monies received by the Council on Law Enforcement Education and Training from the court clerks pursuant to this section shall be deposited in the CLEET Fund created pursuant to subsection G of this section, five and eighty-three one-hundredths percent (5.83%) shall be deposited in the General Revenue Fund and thirty-three and sixty-four one-hundredths percent (33.64%) shall be deposited in the CLEET Training Center Revolving Fund created pursuant to Section 3311.6 of Title 70 of the Oklahoma Statutes. Along with the deposits required by this subsection, each court shall also submit a report stating the total amount of funds collected and the total number of fees imposed during the preceding quarter. The report may be made on computerized or manual disposition reports.

E. Any municipality or county having a basic law enforcement academy approved by the Council on Law Enforcement Education and Training pursuant to the criteria developed by the Council for training law enforcement officers shall retain from monies collected pursuant to subsections A through D of this section, Two Dollars ($2.00) from each fee. These monies shall be deposited into an

account for the sole use of the municipality or county in implementing its law enforcement training functions. Not more than seven percent (7%) of the monies shall be used for court and prosecution training. The court clerk of any such municipality or county shall furnish to the Council on Law Enforcement Education and Training the report required by subsection D of this section.

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

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

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

contributions, tuition, fees, devises, and the assessments levied pursuant to the fund pursuant to law.

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

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

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

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

Sections 1313.2 through 1313.4 of this title shall be made monthly to each state agency.

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

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

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

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

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

3. Whenever consent is given to a licensed physician to conduct an autopsy on the body of a deceased person by whichever one of the following assumes custody of the body for purposes of burial: Father, mother, husband, wife, child, guardian, next of kin, or in the absence of any of the foregoing, a friend, or a person charged by law with the responsibility for burial. If two (2) or more such persons assume custody of the body, the consent of one of them shall be deemed sufficient.

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

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

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

Section 1168.4 A. All persons who encounter or discover human skeletal remains or what they believe may be human skeletal remains or burial furniture thought to be associated with human burials in

or on the ground shall immediately cease any activity which may cause further disturbance and shall report the presence and location of such human skeletal remains to an appropriate law enforcement officer.

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

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

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

E. The law enforcement officer, if there is a reason to believe that the skeletal remains may be human, shall promptly notify the

landowner and the ~~Chief Medical Examiner~~ State Pathologist. If remains reported under ~~this act~~ Section 1168.1 et seq. of this title are not associated with or suspected of association with any crime, the State Archaeologist and the State Historic Preservation Officer shall be notified within fifteen (15) days. If review by the State Archaeologist and the State Historic Preservation Officer of the human skeletal remains and any burial furniture demonstrates or suggests a direct historical relationship to a tribal group, then the State Archaeologist shall:

1. Notify the State Historic Preservation Officer; and

2. Consult with the tribal leader, designated by the Oklahoma Indian Affairs Commission, within fifteen (15) days regarding any proposed treatment or scientific studies and final disposition of the materials.

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

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

1. A report of the findings of the laboratory of the Oklahoma State Bureau of Investigation;

2. The report of investigation or autopsy report of the medical examiner;

3. A laboratory report from a forensic laboratory operated by this state or any political subdivision thereof, or from a laboratory performing analysis at the request of a forensic laboratory operated by this state or any political subdivision thereof;

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

5. A report from the Department of Public Safety as to the handling and storage of evidence, which has been made available to the accused by the office of the district attorney at least five (5) days prior to the hearing, with reference to all or any part of the evidence submitted, when certified as correct by the persons making the report shall be received as evidence of the facts and findings stated, if relevant and otherwise admissible in evidence. If a report is deemed relevant by the state or the accused, the court shall admit the report without the testimony of the person making the report, unless the court, pursuant to subsection C of this section, orders the person making the report to appear. If the

accused is not served with a report, by the district attorney, within five (5) days prior to a hearing, the accused may be allowed a continuance of the portion of the hearing to which the report is relevant, to allow at least five (5) days' preparation subsequent to the district attorney’s furnishing of the report.

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

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

1. The court, upon motion of the state or the accused, shall order the attendance of any person preparing a report submitted as

evidence in any hearing prior to trial or forfeiture hearing, when it appears there is a substantial likelihood that material evidence not contained in such report may be produced by the testimony of the person having prepared the report;

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

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

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

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

1. Eight of the members shall be:

a. the ~~Chief Medical Examiner~~ State 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 Act; provided, that the reimbursement shall be paid in the case of state employee members by the agency employing the member.

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

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

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

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

a. records protected by a state evidentiary privilege such as the attorney-client privilege, the work product immunity from discovery and the identity of informer privileges,

b. records of what transpired during meetings of a public body lawfully closed to the public such as executive

sessions authorized under the Oklahoma Open Meeting Act, Section 301 et seq. of Title 25 of the Oklahoma Statutes,

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

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

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

The Oklahoma State Bureau of Investigation shall not be required to assemble for the requesting person any criminal history records relating to persons whose names, dates of birth, and other identifying information required by the Oklahoma State Bureau of

Investigation pursuant to administrative rule are not furnished by the requesting person.

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

a. is solely for commercial purpose, or

b. would clearly cause excessive disruption of the essential functions of the public body,

then the public body may charge a reasonable fee to recover the direct cost of record search and copying; however, publication in a newspaper or broadcast by news media for news purposes shall not constitute a resale or use of a record for trade or commercial purpose and charges for providing copies of electronic data to the news media for a news purpose shall not exceed the direct cost of making the copy. The fee charged by the Department of Public Safety

for a copy in a computerized format of a record of the Department shall not exceed the direct cost of making the copy unless the fee for the record is otherwise set by law.

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

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

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

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

5. A public body must provide prompt, reasonable access to its records but may establish reasonable procedures which protect the

integrity and organization of its records and to prevent excessive disruptions of its essential functions.

6. A public body shall designate certain persons who are authorized to release records of the public body for inspection, copying, or mechanical reproduction. At least one person shall be available at all times to release records during the regular business hours of the public body.

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

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

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

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

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

filing shall occur or be postmarked within forty-eight (48) hours of the death.

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

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

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

1. Peace officers certified pursuant to Section 3311 of Title 70 of the Oklahoma Statutes who are employed as investigative agents

of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;

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

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

a. Board of Podiatric Medical Examiners,

b. Board of Dentistry,

c. State Board of Pharmacy,

d. State Board of Medical Licensure and Supervision,

e. State Board of Osteopathic Examiners,

f. State Board of Veterinary Medical Examiners, and

g. Oklahoma Health Care Authority;

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

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

B. This section shall not prevent the disclosure, at the discretion of the Director of the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, of investigative information to peace officers and investigative agents of federal, state, county or

municipal law enforcement agencies, district attorneys and the Attorney General in furtherance of criminal investigations or prosecutions within their respective jurisdictions, and to registrants in furtherance of efforts to guard against the diversion of controlled dangerous substances.

C. Any unauthorized disclosure of any information collected at the central repository provided by the Anti-Drug Diversion Act shall be a misdemeanor. Violation of the provisions of this section shall be deemed willful neglect of duty and shall be grounds for removal from office.

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

E. Information regarding nonfatal overdoses, other than statistical information as required by Section 2-106 of this title, shall be completely confidential. Access to this information shall

be strictly limited to the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control or designee, the ~~Chief Medical Examiner~~ State Pathologist, and the registrant that enters the information. Registrants shall not be liable to any person for a claim of damages for information reported pursuant to the provisions of Section 2-105 of this title.

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

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

B. All controlled dangerous substances described in subsection A of this section shall be submitted to the Oklahoma City laboratory of the Oklahoma State Bureau of Investigation, along with all required information on forms provided by the Oklahoma State Bureau of Investigation, to the federal Drug Enforcement Administration, to a duly registered reverse distributor, or to the original registered supplier or their registered agent. When any such substance is transported by private contract or common carrier or United States Postal Service for the purpose of destruction, the sender shall

require a receipt from such private contract or common carrier or United States Postal Service, and such receipt shall be retained as a permanent record by the sender.

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

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

D. The Office of ~~the Chief Medical Examiner~~ State Pathology is ~~hereby~~ authorized to perform on-site incineration of all controlled dangerous substances which are obtained in the discharge of the official duties of the ~~Chief Medical Examiner~~ State Pathologist. Any record relating to destruction of a controlled dangerous substance shall be maintained as required by the state or federal

government and shall be available for inspection by appropriate state or federal government regulatory agencies.

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

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

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

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

Section 2200.23A. A. Upon request of a procurement organization, a medical examiner shall release to the procurement organization the name, contact information, and available medical and social history of a decedent whose body is under the jurisdiction of the medical examiner. If the decedent's body or part is medically suitable for transplantation, therapy, research,

or education, the medical examiner shall release postmortem examination results to the procurement organization. The procurement organization may make a subsequent disclosure of the postmortem examination results or other information received from the medical examiner only if relevant to transplantation, therapy, research or education.

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

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

D. If an anatomical gift has been or might be made of a part of a decedent whose body is under the jurisdiction of the medical examiner and a postmortem examination is not required, or the medical examiner determines that a postmortem examination is required but that the recovery of the part that is the subject of an anatomical gift will not interfere with the examination, the medical

examiner and procurement organization shall cooperate in the timely removal of the part from the decedent for the purpose of transplantation, therapy, research, or education.

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

F. If the medical examiner or designee allows recovery of a part under subsection D or E of this section, the procurement organization, upon request, shall cause the physician or technician who removes the part to provide the medical examiner with a record describing the condition of the part, a biopsy, a photograph, and

any other information and observations that would assist in the postmortem examination.

G. If a medical examiner or designee is required to be present at a removal procedure under subsection E of this section, upon request the procurement organization requesting the recovery of the part shall reimburse the medical examiner or designee for the additional costs incurred in complying with subsection E of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Passed the Senate the 7th day of March, 2011.

_____
Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2011.

_____
Presiding Officer of the House of Representatives