



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

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

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

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

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

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

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

13 4. ~~3.~~ The President or Dean Chair of the Department of  
14 Pathology at the Oklahoma State University Center for Health  
15 Sciences College of Osteopathic Medicine, or a designee;

16 5. ~~4.~~ The President of the Oklahoma Bar Association, or a  
17 designee;

18 6. ~~5.~~ The President of the Oklahoma Osteopathic Association, or  
19 a designee;

20 7. ~~6.~~ The President of the Oklahoma State Medical Association,  
21 or a designee; and

22 8. ~~7.~~ ~~A funeral director, as provided by Section 396.3 of Title~~  
23 ~~59 of the Oklahoma Statutes,~~ criminal defense attorney licensed to

1 practice in this state with at least five (5) years of experience in  
2 homicide cases, to be appointed by the Oklahoma State Board of  
3 ~~Embalmers and Funeral Directors~~ Governor.

4 The Chief Medical Examiner shall be an ex officio nonvoting member  
5 of the Board.

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

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

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

1 to the state regulatory board the licensees of which are affected  
2 thereby.

3 B. The Board is authorized to act as a checks and balances  
4 system with authority to override any act by the Chief  
5 Administrative Officer or the Medical Examiner that jeopardizes the  
6 integrity or successful operation of the agency by a unanimous vote  
7 of the Board.

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

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

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

17 1. Be independent and autonomous from all other agencies in  
18 this state;

19 2. Be directed by the Chief Administrative Officer of the  
20 Office of the State Medical Examiner, who is appointed by the Board;  
21 and

22 3. Obtain approval by the Legislature before closing any  
23 satellite office.

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

3 Section 934. A. The Board of Medicolegal Investigations shall  
4 appoint the Chief Administrative Officer of the Office of the State  
5 Medical Examiner who shall have a minimum of a masters degree in  
6 business administration, management, or a related field from an  
7 accredited four-year college or university and a minimum of five (5)  
8 years' professional administrative experience as determined by the  
9 Board. The Chief Administrative Officer shall be terminated only  
10 for cause.

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

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

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

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

23

24

1       Section 935. A. 1. The Chief Administrative Officer of the  
2 Office of the State Medical Examiner shall be directly responsible  
3 to the Board of Medicolegal Investigations for the management and  
4 administration of the Office of the State Medical Examiner.

5       2. The Chief Medical Examiner shall be directly responsible to  
6 the Board for the performance of the duties provided for in ~~this act~~  
7 Section 931 et seq. of this title and for the administration of the  
8 ~~office of the Chief Medical Staff of the Office of the State Medical~~  
9 Examiner. The Chief Medical Examiner may, ~~however,~~ delegate  
10 specific duties to competent and qualified deputies who may act for  
11 the Chief Medical Examiner within the scope of the express authority  
12 granted by the Chief Medical Examiner, subject, however, to such  
13 rules as the Board may prescribe. The Chief Medical Examiner may  
14 delegate specific duties to contracted individuals, provided they  
15 are qualified to hold the positions. The Chief Medical Examiner  
16 shall be responsible for establishing continuing education  
17 requirements for medical staff including county medical examiners.

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

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

1        2. Establishing minimum requirements for investigators. The  
2 chief investigators shall ensure that all investigative personnel  
3 earn classification as registered death investigators as soon as  
4 possible, not to exceed twelve (12) months from having acquired the  
5 minimum number of investigative hours needed for testing and that  
6 all investigators receive mandatory annual training needed to  
7 maintain certification;

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

10       4. Providing quarterly information to the Board regarding  
11 operational statistics and issues, advancements in meeting agency  
12 goals and benchmarks, critical issues affecting the progress and  
13 success of the agency, personnel issues affecting operations, and  
14 all complaints against the agency to be heard in executive session  
15 during Board meetings;

16       5. Providing minutes of all Board meetings;

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

20       7. Setting the highest degree of professional standards for  
21 investigative and support personnel in meeting the goals of the  
22 agency;

1       8. Establishing professional policies and procedures that  
2 provide guidance and direction to all agency personnel, including a  
3 policy that mandates criminal history background checks of all  
4 prospective employees of the agency;

5       9. Representing the Office of the State Medical Examiner before  
6 all legislative bodies and committees addressing budgetary and  
7 statutory issues; and

8       10. Supervising the activities of the Office of the State  
9 Medical Examiner.

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

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

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

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

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

1 Section 937. The Chief Medical Examiner ~~shall~~ may appoint, with  
2 the advice and consent of the Board of Medicolegal Investigations,  
3 medical examiners for each county of the state. Each medical  
4 examiner so appointed shall be a Doctor of Medicine or Osteopathy  
5 and Surgery, shall hold a valid license to practice ~~his~~ the  
6 profession in Oklahoma, and shall hold office at the pleasure of the  
7 Board. In the event there is no qualified person in the county or  
8 no person willing to serve as a medical examiner, or in the event  
9 the medical examiner is absent from the county in which ~~he~~ the  
10 medical examiner serves, or is ill or disqualified by personal  
11 interest, the Chief Medical Examiner may ~~in his discretion~~ appoint  
12 as a medical examiner for ~~such~~ the county a qualified person from  
13 another county, or may direct a medical examiner from another county  
14 to perform the duties of a medical examiner in both counties.  
15 Nothing in this section or ~~act~~ Section 931 et seq. of this title  
16 shall prohibit or restrict the Chief Medical Examiner from  
17 appointing a medical examiner and directing ~~him~~ a medical examiner  
18 to cross a county line. A medical examiner shall not be precluded  
19 from holding other public offices created by the laws of the state.

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

22 Section 939. A. The ~~Chief~~ Office of the State Medical Examiner  
23 shall prepare and distribute to all medical examiners appropriate  
24

1 forms to be used in filing reports of investigation, with  
2 instructions as to their use, and detailed instructions as to the  
3 nature, character, and extent of investigation and examination to be  
4 made in each case in which investigation is required pursuant to  
5 Sections 931 through 954 of this title.

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

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

22 Section 940. A. 1. All law enforcement officers and other  
23 state and county officials shall cooperate with the Chief Medical  
24

1 Examiner and all other medical examiners in making investigations  
2 required pursuant to the provisions of Sections 931 through 954 of  
3 this title. Said officials and the physician in attendance of the  
4 deceased, or other persons when the deceased was unattended by a  
5 physician, shall promptly notify the medical examiner of the  
6 occurrence of all deaths coming to their attention which, pursuant  
7 to the provisions of Sections 931 through 954 of this title, are  
8 subject to investigation, and shall assist in making dead bodies and  
9 related evidence available for investigation.

10 2. The scene of a death subject to the provisions of Sections  
11 931 through 954 of this title shall not be disturbed until  
12 authorized by the Chief Medical Examiner, ~~his~~ a designee, or a  
13 county medical examiner, and the representative of any law  
14 enforcement agency which has begun an investigation of the cause of  
15 death. Said authorization may be given by telephone. Nothing in  
16 Sections 931 through 954 of this title shall prevent the district  
17 attorney or ~~his~~ a designee from authorizing the removal of a body  
18 when the removal is determined by ~~him~~ such person to be in the  
19 public interest and conditions at the scene are adequately  
20 documented and preserved by photographs and measurements.

21 B. The death of any patient, inmate, ward, or veteran in a  
22 state hospital or other institution, except Oklahoma Medical Center  
23 Hospitals and Clinics thereof, shall be reported by the chief  
24

1 administrative officer of the hospital or institution or ~~his~~ a  
2 designee to the Office of the ~~Chief~~ State Medical Examiner at the  
3 time of the death and prior to release of the body.

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

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

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

14 Section 941. A. Upon receipt of notice of death of any person  
15 which under this act is subject to investigation, the medical  
16 examiner shall immediately conduct an investigation into the cause  
17 and manner of death, and shall comply in detail with the  
18 instructions of the ~~Chief~~ Office of the State Medical Examiner as  
19 provided for in Section 939 of this title. ~~He~~ The medical examiner  
20 may have fingerprints and photographs taken. ~~He~~ and may take charge  
21 of any object or writing found on or near the body which ~~he deems~~ is  
22 deemed necessary for the purpose of establishing the cause and/or  
23 manner of death.

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

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

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

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

19        Section 945. When properly authorized, an autopsy shall be  
20 performed by the Chief Medical Examiner or such person as may be  
21 designated by ~~him~~ the Chief Medical Examiner for such purpose. The  
22 Chief Medical Examiner or a ~~person designated by him~~ designee may  
23 authorize arterial embalming of the body prior to the autopsy when  
24

1 such person determines that the embalming would ~~in his opinion~~ not  
2 interfere with the autopsy. The autopsy shall be made of such parts  
3 of the body as is deemed necessary by the person performing the  
4 autopsy.

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

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

19 Section 947. A. The certification of death of any person whose  
20 death is investigated under ~~this act~~ Section 931 et seq. of this  
21 title shall be made by the Chief Medical Examiner, ~~his~~ a designee,  
22 or the medical examiner who conducted the investigation, upon a  
23 medical examiner death certificate provided by the State Registrar

1 of Vital Statistics. Such death certificates shall be valid only  
2 when signed by a duly appointed medical examiner, the Chief Medical  
3 Examiner, or ~~his~~ a designee. Copies of all ~~such~~ certificates shall  
4 be forwarded immediately upon receipt by the State Registrar of  
5 Vital Statistics to the Office of the ~~Chief~~ State Medical Examiner.

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

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

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

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

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24

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

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

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

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

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

17 SECTION 14. AMENDATORY Section 2, Chapter 559, O.S.L.  
18 2004 (63 O.S. Supp. 2010, Section 948.1), is amended to read as  
19 follows:

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

UNDERLINED language denotes Amendments to present Statutes.  
BOLD FACE CAPITALIZED language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

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

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

7 a. ~~permit for cremations that occur within the state~~  
8 death certificates signed by the Office of the State  
9 Medical Examiner: One Hundred Dollars (\$100.00) ~~to~~  
10 Two Hundred Dollars (\$200.00),

11 b. out-of-state shipment of human remains whenever the  
12 Office of the State Medical Examiner has been required  
13 to conduct an investigation of the death: One Hundred  
14 Dollars (\$100.00) to Two Hundred Dollars (\$200.00),

15 c. forensic science service: One Hundred Dollars  
16 (\$100.00) to Three Thousand Dollars (\$3,000.00),

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

21 ~~d.~~ e. x-rays: Fifteen Dollars (\$15.00) each,

22 ~~e.~~ f. microscopic slides, Hematoxylyn and Eosin (H&E): Ten  
23 Dollars (\$10.00) each,

1       ~~f.~~ g.   special stains: Fifteen Dollars (\$15.00) each, and  
2       ~~g.~~ h.   photographs: Twenty-five Dollars (\$25.00) per  
3                   computer diskette (CD).

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

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

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

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

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

7 Section 949.

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

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

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

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

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

20 1. Certified copies of reports pertaining to the factual  
21 determinations of views and examination of or autopsies upon the  
22 bodies of deceased persons by the Chief Medical Examiner, a medical  
23 examiner, consultant pathologist, or anyone under their supervision

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

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

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

20 4. The taking of depositions shall then be allowed pursuant to  
21 the provisions of Section 3230 of Title 12 of the Oklahoma Statutes;  
22 provided, however, depositions shall take place at the Office of the  
23 Chief State Medical Examiner, a medical examiner, consultant

1 pathologist, or anyone under their supervision or control whose  
2 testimony is sought, unless all parties, including the medical  
3 examiner, agree the deposition can be taken elsewhere; and

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

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

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

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

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

21 2. The medical examiner shall document receipt of the signed  
22 waiver form and shall forward such documentation to the State  
23 Department of Health and the SIDS Foundation of Oklahoma, along with  
24

1 information related to the possible SIDS death including, but not  
2 limited to, the ~~infant's~~ name, date of birth, date of death, and  
3 race of the infant, parents' and names, address and phone number of  
4 the parents.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 SECTION 19. 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 (1) year from the completion of the report. Such appeal shall  
21 be 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

UNDERLINED language denotes Amendments to present Statutes.  
BOLD FACE CAPITALIZED language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

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

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

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

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

23

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

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

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

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

17 Section 2902. Extrinsic evidence of authenticity as a condition  
18 precedent to admissibility is not required with respect to the  
19 following:

20 1. A document bearing a seal purporting to be that of the  
21 United States or of any state, district, commonwealth, territory or  
22 insular possession thereof, including the Panama Canal Zone, or the  
23 trust territory of the Pacific Islands, or of a political

1 subdivision, department, office or agency thereof, and a signature  
2 purporting to be an attestation or execution;

3 2. A document purporting to bear the signature in ~~his~~ the  
4 official capacity of an officer or employee of any entity included  
5 in paragraph 1 of this section, having no seal, if a public officer  
6 having a seal and having official duties in the district or  
7 political subdivision of the officer or employee certifies under  
8 seal that the signer has the official capacity and that the  
9 signature is genuine;

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

- 15 a. of the executing or attesting person, or
- 16 b. of any foreign official whose certificate of  
17 genuineness of signature and official position relates  
18 to the execution or attestation or is in a chain of  
19 certificates of genuineness or signature and official  
20 position relating to the execution or attestation. A  
21 final certification may be made by a secretary of  
22 embassy or legation, consul general, consul, vice  
23 consul or consular agent of the United States, or a

1 diplomatic or consular official of the foreign country  
2 assigned or accredited to the United States. If  
3 reasonable opportunity has been given to all parties  
4 to investigate the authenticity and accuracy of  
5 official documents, the court may, for good cause  
6 shown, order that they be treated as presumptively  
7 authentic without final certification or permit them  
8 to be evidenced by an attested summary with or without  
9 final certification;

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

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

20 6. Printed materials purporting to be newspapers or  
21 periodicals;

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

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

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

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

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

14 a. the document is accompanied by a written declaration  
15 under oath of the custodian of the record, or other  
16 qualified individual that the record was made, at or  
17 near the time of the occurrence of the matters set  
18 forth by or from information transmitted by a person  
19 having knowledge of those matters; was kept in the  
20 course of the regularly conducted business activity;  
21 and was made pursuant to the regularly conducted  
22 activity,

23

24

1           b.    the party intending to offer the record in evidence  
2                   gives notice of that intention to all adverse parties  
3                   and makes the record available for inspection  
4                   sufficiently in advance of its offer to provide the  
5                   adverse parties with a fair opportunity to challenge  
6                   the record, and

7           c.    notice is given to the proponent, sufficiently in  
8                   advance of the offer to provide the proponent with a  
9                   fair opportunity to meet the objection or obtain the  
10                  testimony of a foundation witness, raising a genuine  
11                  question as to the trustworthiness or authenticity of  
12                  the record; ~~and~~

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

15           a.    the document is accompanied by a written declaration  
16                   under oath of the custodian of the record, or other  
17                   qualified individual that the record was made, at or  
18                   near the time of the occurrence of the matters set  
19                   forth by or from information transmitted by a person  
20                   having knowledge of those matters; was kept in the  
21                   course of a regularly conducted business activity; and  
22                   was made pursuant to the regularly conducted activity,  
23  
24

1           b.    the party intending to offer the record in evidence  
2                   gives notice of that intention to all adverse parties  
3                   and makes the record available for inspection  
4                   sufficiently in advance of its offer to provide the  
5                   adverse parties with a fair opportunity to challenge  
6                   the record, and

7           c.    notice is given to the proponent, sufficiently in  
8                   advance of the offer to provide the proponent with a  
9                   fair opportunity to meet the objection or obtain the  
10                  testimony of a foundation witness, raising a genuine  
11                  question as to the trustworthiness or authenticity of  
12                  the record; and

13           13. Certified copies of reports pertaining to the factual  
14 determinations of views and examination of or autopsies upon the  
15 bodies of deceased persons by the Chief Medical Examiner, a medical  
16 examiner, consultant pathologist, or anyone under their supervision  
17 or control.

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

21           Section 1313.2 A. As used in this section:

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

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

6 3. "DNA" means Deoxyribonucleic acid.

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

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

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

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

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

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

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

22           a. providing criminalistic laboratory services,  
23  
24

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

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

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

17 E. Any municipality or county having a basic law enforcement  
18 academy approved by the Council on Law Enforcement Education and  
19 Training pursuant to the criteria developed by the Council for  
20 training law enforcement officers shall retain from monies collected  
21 pursuant to subsections A through D of this section, Two Dollars  
22 (\$2.00) from each fee. These monies shall be deposited into an  
23 account for the sole use of the municipality or county in  
24

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

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

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

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

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

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

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

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

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

24

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

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

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

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

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

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

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

20 Father, mother, husband, wife, child, guardian, next of kin, or in  
21 the absence of any of the foregoing, a friend, or a person charged  
22 by law with the responsibility for burial. If two ~~(2)~~ or more such  
23

1 persons assume custody of the body, the consent of one of them shall  
2 be deemed sufficient.

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

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

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

23

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control and  
2 the federal Drug Enforcement Administration office located nearest  
3 the destruction site.

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

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

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

15  
16 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 03-03-2011 -  
17 DO PASS, As Amended and Coauthored.

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