

1 Examiner to assume certain responsibilities under
2 certain circumstances; requiring certain
3 investigations to be conducted by a physician or an
4 investigator with specified training; requiring
5 certain investigations to be conducted independently
6 of law enforcement agencies; directing certain copies
7 of reports to be distributed upon request; permitting
8 certain persons to appeal specified findings to the
9 Board; directing certain members of the Board to
10 investigate and provide findings on the appeal;
11 providing for corrections of death certificates in
12 certain circumstances; permitting certain appeal to
13 district court; directing the Board to create certain
14 form; permitting appeals for certain reports;
15 providing time limitation for appeal; amending 63
16 O.S. 2001, Section 944, which relates to autopsies;
17 requiring autopsies for certain types of deaths;
18 providing for codification; providing for
19 noncodification; and providing an effective date.

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BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:
SECTION 1. NEW LAW A new section of law not to be
codified in the Oklahoma Statutes reads as follows:

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

SECTION 2. 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. The members of the Board shall be:

- 1 1. The Director of the Oklahoma State Bureau of Investigation,
2 or a designee;
- 3 2. The State Commissioner of Health, or a designee;
- 4 3. The Dean of the College of Medicine of the University of
5 Oklahoma, or a designee;
- 6 4. The President or Dean of the Oklahoma State University
7 Center for Health Sciences, or a designee;
- 8 5. A criminal defense attorney with at least five (5) years of
9 experience in homicide cases licensed to practice in this state,
10 appointed by the Oklahoma Bar Association,~~or a designee;~~
- 11 6. The President of the Oklahoma Osteopathic Association, or a
12 designee;
- 13 7. The President of the Oklahoma State Medical Association, or
14 a designee; ~~and~~
- 15 8. A funeral director and embalmer licensed by the Oklahoma
16 Funeral Board, as provided by Section 396.3 of Title 59 of the
17 Oklahoma Statutes, appointed by the Oklahoma ~~State Board of~~
18 ~~Embalmers and Funeral Directors~~ Board;
- 19 9. A family member of a victim of violent crime, appointed by
20 the Crime Victims Compensation Board; and
- 21 10. A prosecutor with at least five (5) years of experience in
22 homicide cases, appointed by the District Attorneys Council.

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1 B. The term of membership of each member of the Board shall be
2 four (4) years from the expiration of the term of the member
3 succeeded. Any member having served as a member of the Board shall
4 be eligible for reappointment. Vacancies shall be filled by the
5 appointing authority.

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

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

15 Section 934. A. The Board of Medicolegal Investigations shall
16 appoint a Chief Medical Examiner who shall be a physician licensed
17 to practice in Oklahoma and a diplomate of the American Board of
18 Pathology or the American Osteopathic Board of Pathology in forensic
19 pathology. The Chief Medical Examiner shall ~~serve at the pleasure~~
20 ~~of~~ only be terminated for cause by the Board. In addition to the
21 duties prescribed by law, the Chief Medical Examiner may teach in
22 any medical school in this state and conduct special classes for law
23 enforcement officers.

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

1 B. The Chief Medical Examiner, in his or her discretion, may
2 hire a Chief Administrative Officer. The Chief Administrative
3 Officer shall have a minimum of a master's degree in business
4 administration, management, or a related field from an accredited
5 four-year college or university and a minimum of five (5) years of
6 professional administrative experience as determined by the Chief
7 Medical Examiner. The Chief Administrative Officer shall serve at
8 the pleasure of the Chief Medical Examiner.

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

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

22 B. Employees of the Office of the Chief Medical Examiner who
23 serve solely in an administrative capacity and do not investigate or
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1 autopsy deaths as provided by law shall not be superior to or
2 infringe upon the authority of the Chief Medical Examiner in matters
3 regarding the employment of a deputy or the findings of a death
4 investigation.

5 C. In the event that the Chief Medical Examiner hires a Chief
6 Administrative Officer, the Chief Administrative Officer shall be
7 directly responsible to the Board of Medicolegal Investigations for
8 the management and administration of the Office of the State Medical
9 Examiner. The Chief Administrative Officer shall have
10 responsibility for, but not be limited to:

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

15 2. Receiving mandatory annual training needed to maintain
16 certification;

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

19 4. Providing quarterly information to the Board regarding
20 operational statistics and issues, advancements in meeting agency
21 goals and benchmarks, critical issues affecting the progress and
22 success of the agency, personnel issues affecting operations, and

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1 all complaints against the agency to be heard in executive session
2 during Board meetings;

3 5. Providing minutes of all Board meetings;

4 6. Directing administrative staff in adherence to procurement
5 and budgeting issues of the agency;

6 7. Setting the highest degree of professional standards for
7 investigative and support personnel in meeting the goals of the
8 agency;

9 8. Establishing professional policies and procedures that
10 provide guidance and direction to all agency personnel, including a
11 policy that mandates criminal history background checks of all
12 prospective employees of the agency;

13 9. Representing the Office of the State Medical Examiner before
14 all legislative bodies and committees addressing budgetary and
15 statutory issues; and

16 10. Supervising the activities of the Office of the State
17 Medical Examiner.

18 D. If the Chief Medical Examiner chooses not to hire a Chief
19 Administrative Officer, the Chief Medical Examiner shall be
20 responsible for the management and administration of the Office of
21 the State Medical Examiner. The Chief Medical Examiner shall be
22 responsible for the duties specified in subsection C of this
23 section.

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

3 Section 938. A. All human deaths of the types listed herein
4 shall be investigated as provided by law by a physician licensed to
5 practice in this state or an investigator approved by the Chief
6 Medical Examiner to investigate deaths with at least six hundred
7 forty (640) hours of education approved by the American Board of
8 Medicolegal Death Investigators:

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

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

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

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

18 5. Deaths of persons after unexplained coma;

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

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

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

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

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

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

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

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

7 B. Copies of reports shall be furnished by the Chief Medical
8 Examiner to investigating agencies having official interest therein.

9 Copies of reports shall also be furnished to the spouse of the
10 deceased or any person within one degree of consanguinity of the
11 deceased upon request and within five (5) business days of the
12 request once the cause and manner of death have been determined and
13 the death certificate has been issued.

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

17 A. The spouse of the deceased or any person within one degree
18 of consanguinity of the deceased may appeal the findings of the
19 medical examiner to the Board of Medicolegal Investigations within
20 one (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 four (4) months of

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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. Reports of the medical examiner made prior to November 1,
17 2011, may be appealed by the spouse of the deceased or any person
18 within one degree of consanguinity of the deceased under the
19 procedures as specified in subsections A and B of this section and
20 shall be filed no later than November 1, 2012.

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

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1 Section 944. A. When necessary in connection with an
2 investigation to determine the cause and/or manner of death and when
3 the public interest requires it, the Chief Medical Examiner, ~~his~~ the
4 Chief Medical Examiner's designee, a medical examiner or a district
5 attorney shall require and authorize an autopsy to be conducted. In
6 determining whether the public interest requires an autopsy the
7 medical examiner or district attorney involved shall take into
8 account but shall not be bound by request ~~therefor~~ from private
9 persons or from other public officials. In addition, the Chief
10 Medical Examiner, a designee of the Chief Medical Examiner, a
11 medical examiner or a district attorney shall require and authorize
12 an autopsy to be conducted for the following types of deaths:

13 1. Violent deaths, excluding deaths resulting from motor
14 vehicle collisions, whether apparently homicidal, suicidal, or
15 accidental;

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

17 3. Deaths of any inmates occurring in any place of penal
18 incarceration;

19 4. Deaths of persons after unexplained coma; and

20 5. Deaths that are medically unexpected and that occur in the
21 course of a therapeutic procedure.

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

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

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7 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 04-13-2011 -
8 DO PASS, As Amended and Coauthored.

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