

STATE OF OKLAHOMA

1st Session of the 53rd Legislature (2011)

HOUSE BILL 1972

By: Grau

AS INTRODUCED

An Act relating to the Office of the Chief Medical Examiner; amending 63 O.S. 2001, Sections 931, as amended by Section 1, Chapter 410, O.S.L. 2005, 932, 933, 934, 935, as last amended by Section 5, Chapter 269, O.S.L. 2008, 937, 939, 940, 941, 945, 947, 948, as amended by Section 1, Chapter 559, O.S.L. 2004, Section 2, Chapter 559, O.S.L. 2004, 949, as amended by Section 1, Chapter 190, O.S.L. 2004, 950, 951 and 954 (63 O.S. Supp. 2010, Sections 931, 935, 948, 948.1 and 949), which relate to the Office of Chief Medical Examiner; modifying membership of the Board of Medicolegal Investigations; changing references to the Office of the Chief Medical Examiner to the Office of the State Medical Examiner; specifying qualifications of designees to the Board; modifying meeting requirements of the Board; modifying quorum requirement of the Board; modifying requirements for rule promulgation by the Board; authorizing certain override; directing the Office to be administered by the Chief Administrative Officer; permitting the Chief Administrative Officer to employ staff members; specifying certain requirements of the Office; directing the Board to appoint the Chief Administrative Officer; specifying minimum qualifications of the Chief Administrative Officer; directing the Chief Administrative Officer to serve at the pleasure of the Board; directing the Chief Administrative Officer to appoint a Chief Medical Examiner; directing the Chief Medical Examiner to serve at the pleasure of the Chief Administrative Officer; making the Chief Administrative Officer responsible to the Board for the administration of the Office; specifying the duties of the Chief

1 Administrative Officer; specifying certain limitation  
2 of the Chief Medical Examiner; making language  
3 gender-neutral; requiring certain reports to be  
4 completed and final; clarifying certain requirement;  
5 deleting language prohibiting certain fee; providing  
6 for certain fee; requiring certain copies of reports  
7 to be admitted in evidence; providing for certain  
8 documents to be self-authenticating; deleting  
9 language requiring certain documents to be admitted  
10 in evidence; deleting language requiring certain  
11 party to pay specified costs; stating that the Chief  
12 Medical Examiner shall not be compelled to testify in  
13 certain proceedings; amending 10 O.S. 2001, Section  
14 1150.4, which relates to child death certificates;  
15 modifying statutory reference; amending 12 O.S. 2001,  
16 Section 2902, as amended by Section 63, Chapter 468,  
17 O.S.L. 2002 (12 O.S. Supp. 2010, Section 2902), which  
18 relates to self-authentication; expanding list of  
19 documents which are considered to be self-  
20 authenticating; amending 20 O.S. 2001, Section  
21 1313.2, as last amended by Section 1, Chapter 442,  
22 O.S.L. 2009 (20 O.S. Supp. 2010, Section 1313.2),  
23 which relates to definitions; modifying statutory  
24 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; amending 63 O.S.  
2001, Section 2-315, which relates to controlled  
dangerous substances; modifying statutory reference;  
repealing 63 O.S. 2010, Section 944.2, which relates  
to fees for autopsies; and providing an effective  
date.

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

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

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

6 1. ~~The Director of the State Bureau of Investigation, or a~~  
7 ~~designee;~~

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

9 2. The President of a statewide organization of pathologists,  
10 or a designee;

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

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

18 6. The President of the Oklahoma Osteopathic Association, or a  
19 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, appointed by the Oklahoma ~~State Board~~  
24 ~~of Embalmers and Funeral Directors~~ Board;

1       8. The Director of the Forensic Science Institute at the  
2 University of Central Oklahoma; and

3       9. A representative of the largest statewide association of  
4 public employees.

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

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

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

17       Section 932. A. The Board of Medicolegal Investigations is  
18 hereby authorized to promulgate rules and regulations in accordance  
19 with the Administrative Procedures Act necessary or appropriate to  
20 carry out effectively the provisions of ~~this act~~ Section 931 et seq.  
21 of this title. ~~Such rules and regulations shall be filed with the~~  
22 ~~Secretary of State and shall not be effective until ten (10) days~~  
23 ~~after the date of filing.~~ The Board shall, on the date of filing,  
24 ~~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 and/or the Medical Examiner that jeopardizes  
6 the integrity or successful operation of the agency by a unanimous  
7 vote 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 administered by the Chief Administrative Officer of the Office of  
14 the State Medical Examiner who may employ such other staff members  
15 as the Board shall specify.

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

17 1. Remain 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, and the Chief Medical Examiner  
21 ~~may employ such other staff members as~~ who is appointed by the Board  
22 ~~shall specify; and~~

23 3. Obtain approval by the Legislature before closing any  
24 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 bachelor's degree in  
6 business administration, management, leadership, or a related field  
7 from an accredited four-year college or university or a minimum of  
8 five (5) years' professional administrative experience as determined  
9 by the Board. The Chief Administrative Officer shall serve at the  
10 pleasure of the Board.

11 B. 1. The Chief Administrative Officer shall hire or 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~~ the Chief Administrative Officer.

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 Section 935. A. 1. The Chief Administrative Officer of the  
24 Office of the State Medical Examiner shall be directly responsible

1 to the Board of Medicolegal Investigations for the management and  
2 administration of the Office of the State Medical Examiner.

3 2. The Chief Medical Examiner shall be directly responsible ~~to~~  
4 ~~the Board~~ for the performance of the duties provided for in ~~this act~~  
5 Section 931 et seq. of this title and for the administration of the  
6 ~~office of the Chief~~ Medical Examiner Division of the Office of the  
7 State Medical Examiner. The Chief Medical Examiner may, ~~however,~~  
8 delegate specific duties to competent and qualified deputies who may  
9 act for the Chief Medical Examiner within the scope of the express  
10 authority granted by the Chief Medical Examiner, subject, however,  
11 to such rules as the Board may prescribe.

12 B. The Chief Administrative Officer shall have responsibility  
13 for, but not be limited to:

14 1. Establishing written professional qualification requirements  
15 for each staff position related to the investigation of deaths,  
16 including but not limited to forensic pathologists, laboratory  
17 personnel, investigators, and the position of chief investigator  
18 that are compatible with state and federal law;

19 2. Establishing minimum requirements for investigators employed  
20 on or after November 1, 2011. The Chief Administrative Officer  
21 shall ensure that all investigative personnel receive classification  
22 as certified death investigators as soon as possible, not to exceed  
23 twelve (12) months from having acquired the minimum number of  
24

1 investigative hours needed for testing and that all investigators  
2 receive mandatory annual training needed to maintain certification;

3 3. Establishing continuing education requirements for the Chief  
4 Medical Examiner and other staff positions related to the  
5 investigation of deaths including but not limited to forensic  
6 pathologists, laboratory personnel, investigators, and the position  
7 of chief investigator;

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

14 5. Providing minutes of all Board meetings;

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

18 7. Setting the highest degree of professional standards for  
19 medical, investigative, and support personnel in meeting the goals  
20 of the agency;

21 8. Establishing professional policies and procedures that  
22 provide guidance and direction to all agency personnel, including a  
23 policy that mandates criminal history background checks of all  
24 prospective employees of the agency;

1        9. Representing the Office of the State Medical Examiner before  
2 all legislative bodies and committees addressing budgetary and  
3 statutory issues; and

4        10. Supervising the activities of the Office.

5        SECTION 6.        AMENDATORY        63 O.S. 2001, Section 937, is  
6 amended to read as follows:

7        Section 937. The Chief Medical Examiner shall appoint, with the  
8 advice and consent of the Board of Medicolegal Investigations,

9 medical examiners for each county of the state. Each medical

10 examiner so appointed shall be a Doctor of Medicine or Osteopathy

11 and Surgery, shall hold a valid license to practice ~~his~~ the

12 profession in Oklahoma, and shall hold office at the pleasure of the

13 Board. In the event there is no qualified person in the county or

14 no person willing to serve as a medical examiner, or in the event

15 the medical examiner is absent from the county in which ~~he~~ the

16 medical examiner serves, or is ill or disqualified by personal

17 interest, the Chief Medical Examiner may ~~in his discretion~~ appoint

18 as a medical examiner for ~~such~~ the county a qualified person from

19 another county, or may direct a medical examiner from another county

20 to perform the duties of a medical examiner in both counties.

21 Nothing in this section or ~~act~~ Section 931 et seq. of this title

22 shall prohibit or restrict the Chief Medical Examiner from

23 appointing a medical examiner and directing ~~him~~ a medical examiner

1 to cross a county line. A medical examiner shall not be precluded  
2 from holding other public offices created by the laws of the state.

3 SECTION 7. AMENDATORY 63 O.S. 2001, Section 939, is  
4 amended to read as follows:

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

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

24

1 upon a showing of good cause, specifically ordered otherwise by the  
2 court.

3 SECTION 8. AMENDATORY 63 O.S. 2001, Section 940, is  
4 amended to read as follows:

5 Section 940. A. 1. All law enforcement officers and other  
6 state and county officials shall cooperate with the Chief Medical  
7 Examiner and all other medical examiners in making investigations  
8 required pursuant to the provisions of Sections 931 through 954 of  
9 this title. Said officials and the physician in attendance of the  
10 deceased, or other persons when the deceased was unattended by a  
11 physician, shall promptly notify the medical examiner of the  
12 occurrence of all deaths coming to their attention which, pursuant  
13 to the provisions of Sections 931 through 954 of this title, are  
14 subject to investigation, and shall assist in making dead bodies and  
15 related evidence available for investigation.

16 2. The scene of a death subject to the provisions of Sections  
17 931 through 954 of this title shall not be disturbed until  
18 authorized by the Chief Medical Examiner, ~~his~~ a designee, or a  
19 county medical examiner, and the representative of any law  
20 enforcement agency which has begun an investigation of the cause of  
21 death. Said authorization may be given by telephone. Nothing in  
22 Sections 931 through 954 of this title shall prevent the district  
23 attorney or ~~his~~ a designee from authorizing the removal of a body  
24 when the removal is determined by ~~him~~ such person to be in the

1 public interest and conditions at the scene are adequately  
2 documented and preserved by photographs and measurements.

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

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

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

17 SECTION 9. AMENDATORY 63 O.S. 2001, Section 941, is  
18 amended to read as follows:

19 Section 941. A. Upon receipt of notice of death of any person  
20 which under this act is subject to investigation, the medical  
21 examiner shall immediately conduct an investigation into the cause  
22 and manner of death, and shall comply in detail with the  
23 instructions of the ~~Chief~~ Office of the State Medical Examiner as  
24 provided for in Section 939 of this title. ~~He~~ The medical examiner

1 may have fingerprints and photographs taken.—~~He~~ and may take charge  
2 of any object or writing found on or near the body which ~~he deems~~ is  
3 deemed necessary for the purpose of establishing the cause and/or  
4 manner of death.

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

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

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

21 SECTION 10. AMENDATORY 63 O.S. 2001, Section 945, is  
22 amended to read as follows:

23 Section 945. A. When properly authorized, an autopsy shall be  
24 performed by the Chief Medical Examiner or such person as may be

1 designated by ~~him~~ the Chief Medical Examiner for such purpose. The  
2 Chief Medical Examiner or a ~~person designated by him~~ designee may  
3 authorize arterial embalming of the body prior to the autopsy when  
4 such person determines that the embalming would ~~in his opinion~~ not  
5 interfere with the autopsy. The autopsy shall be made of such parts  
6 of the body as is deemed necessary by the person performing the  
7 autopsy.

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

20 SECTION 11. AMENDATORY 63 O.S. 2001, Section 947, is  
21 amended to read as follows:

22 Section 947. A. The certification of death of any person whose  
23 death is investigated under ~~this act~~ Section 931 et seq. of this  
24 title shall be made by the Chief Medical Examiner, ~~his~~ a designee,

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

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

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

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

22 SECTION 12. AMENDATORY 63 O.S. 2001, Section 948, as  
23 amended by Section 1, Chapter 559, O.S.L. 2004 (63 O.S. Supp. 2010,  
24 Section 948), is amended to read as follows:

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 ~~Investigations~~.

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.

24

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 13. 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.

23 1. No fee schedule may be established or amended by the Board  
24 except during a regular legislative session. The Board shall comply

1 with the Administrative Procedures Act for adoption of rules and  
2 establishing or amending any ~~such~~ fee schedule.

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

5 a. permit for cremations that occur within the state:  
6 One Hundred Dollars (\$100.00) to Two Hundred Dollars  
7 (\$200.00),

8 b. out-of-state shipment of human remains whenever the  
9 Office of the State Medical Examiner has not been  
10 required to conduct an investigation of the death: One  
11 Hundred Dollars (\$100.00) to Two Hundred Dollars  
12 (\$200.00),

13 c. forensic science service: One Hundred Dollars  
14 (\$100.00) to Three Thousand Dollars (\$3,000.00),

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

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

20 ~~e.~~ f. microscopic slides, Hematoxilyn and Eosin (H&E): Ten  
21 Dollars (\$10.00) each,

22 ~~f.~~ g. special stains: Fifteen Dollars (\$15.00) each, and

23 ~~g.~~ h. photographs: Twenty-five Dollars (\$25.00) per  
24 computer diskette (CD).

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

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

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

24

1 SECTION 14. AMENDATORY 63 O.S. 2001, Section 949, as  
2 amended by Section 1, Chapter 190, O.S.L. 2004 (63 O.S. Supp. 2010,  
3 Section 949), is amended to read as follows:

4 Section 949.

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

13 b. The Chief Medical Examiner shall track and forward,  
14 within seventy-two (72) hours after the examination,  
15 demographic information on sudden, unexpected and  
16 nontraumatic infant deaths, including, but not limited  
17 to, Sudden Infant Death Syndrome (SIDS), to the  
18 Oklahoma SIDS Coordinator at the State Department of  
19 Health and the SIDS Foundation of Oklahoma. As used  
20 in this subparagraph, "Sudden Infant Death Syndrome  
21 (SIDS)" means the sudden, unexpected death of an  
22 apparently healthy infant less than one (1) year of  
23 age which remains unexplained following a complete  
24 medicolegal analysis and death scene investigation.

1 The Chief Medical Examiner shall follow up with  
2 further notification upon final determination of a  
3 cause of death. Such notification shall be for  
4 statistical reporting purposes only.

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

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

16 1. Certified copies of reports pertaining to the factual  
17 determinations of views and examination of or autopsies upon the  
18 bodies of deceased persons by the Chief Medical Examiner, a medical  
19 examiner, consultant pathologist, or anyone under their supervision  
20 or control ~~may~~ shall be admitted in evidence in any civil case in a  
21 court of competent jurisdiction in this state ~~by stipulation of all~~  
22 ~~parties in the case.~~ Such certified copies of reports shall be  
23 considered to be self-authenticating pursuant to Section 2902 of  
24 Title 12 of the Oklahoma Statutes;

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

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

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

22       5. 3. ~~No other testimony of the Chief Medical Examiner, a~~  
23 ~~medical examiner, consultant pathologist, or anyone under their~~  
24 ~~supervision and control shall be admitted in evidence in any civil~~

1 action in any court of this state, unless timely application is made  
2 to the court by an interested party or litigant and timely notice of  
3 the application is given to the medical examiner. After a hearing,  
4 the court, for good cause shown, may order the appearance of the  
5 Chief Medical Examiner, a medical examiner, consultant pathologist,  
6 or anyone under their supervision and control for the purpose of  
7 testifying and may order that a subpoena be issued for that  
8 appearance; provided, however, that such order by the court shall be  
9 the exception and not the rule; and

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

18 C. Certified copies of complete and final reports and findings,  
19 exclusive of hearsay evidence, ~~may~~ shall be admitted in evidence in  
20 preliminary hearings ~~and criminal trials by stipulation; provided,~~  
21 however, this subsection shall not be construed to require copies of  
22 incomplete or pending reports or any other documents covered by the  
23 work-product doctrine to be admitted into evidence in such hearings.

24

1 The Chief Medical Examiner shall not be compelled to testify at the  
2 preliminary hearing or any other pretrial criminal proceeding.

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

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

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

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

1 SECTION 15. AMENDATORY 63 O.S. 2001, Section 950, is  
2 amended to read as follows:

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

10 SECTION 16. AMENDATORY 63 O.S. 2001, Section 951, is  
11 amended to read as follows:

12 Section 951. The Chief Medical Examiner, ~~his a~~ a designee, or a  
13 medical examiner shall be authorized to transport bodies of deceased  
14 persons of whose death he or she is officially informed to an  
15 appropriate place for autopsy or for the performance of scientific  
16 tests; provided that, after ~~said the~~ the autopsy ~~shall have been~~ is  
17 performed or ~~such~~ tests made, the bodies of ~~such~~ deceased persons  
18 shall be returned to the county from which they were brought, or,  
19 when so authorized by the district attorney of ~~said the~~ the county and  
20 upon request of the nearest relative of the deceased or other person  
21 who may be responsible for burial, the body may be transported to  
22 some place other than ~~said the~~ the county. The Chief Medical Examiner  
23 or ~~his a~~ a designee may authorize payment for the services in  
24 transporting the body to the place designated for autopsy, which

1 shall be submitted upon a claim filed with the Board of Medicolegal  
2 Investigations.

3 SECTION 17. AMENDATORY 63 O.S. 2001, Section 954, is  
4 amended to read as follows:

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

9 B. There is hereby created in the State Treasury a revolving  
10 fund for the Office of the ~~Chief~~ State Medical Examiner to be  
11 designated the "Chief Medical Examiner Revolving Fund". The fund  
12 shall be a continuing fund, not subject to fiscal year limitations,  
13 and shall consist of all moneys received from:

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

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

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

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

22 All monies accruing to the credit of ~~said~~ the fund are hereby  
23 appropriated and may be budgeted and expended by the Office of the  
24 ~~Chief~~ State Medical Examiner for the duties imposed upon the Board

1 of Medicolegal Investigations by law. Expenditures from ~~said~~ the  
2 fund shall be made upon warrants issued by the State Treasurer  
3 against claims filed as prescribed by law with the Director of State  
4 Finance for approval and payment.

5 SECTION 18. AMENDATORY 10 O.S. 2001, Section 1150.4, is  
6 amended to read as follows:

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

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

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

20 SECTION 19. AMENDATORY 12 O.S. 2001, Section 2902, as  
21 amended by Section 63, Chapter 468, O.S.L. 2002 (12 O.S. Supp. 2010,  
22 Section 2902), is amended to read as follows:

23

24

1 Section 2902. Extrinsic evidence of authenticity as a condition  
2 precedent to admissibility is not required with respect to the  
3 following:

4 1. A document bearing a seal purporting to be that of the  
5 United States or of any state, district, commonwealth, territory or  
6 insular possession thereof, including the Panama Canal Zone, or the  
7 trust territory of the Pacific Islands, or of a political  
8 subdivision, department, office or agency thereof, and a signature  
9 purporting to be an attestation or execution;

10 2. A document purporting to bear the signature in ~~his~~ the  
11 official capacity of an officer or employee of any entity included  
12 in paragraph 1 of this section, having no seal, if a public officer  
13 having a seal and having official duties in the district or  
14 political subdivision of the officer or employee certifies under  
15 seal that the signer has the official capacity and that the  
16 signature is genuine;

17 3. A document purporting to be executed or attested in ~~his~~ an  
18 official capacity by a person authorized by the laws of a foreign  
19 country to make the execution or attestation, and accompanied by a  
20 final certification as to the genuineness of the signature and  
21 official position:

22 a. of the executing or attesting person, or

23 b. of any foreign official whose certificate of

24 genuineness of signature and official position relates

1 to the execution or attestation or is in a chain of  
2 certificates of genuineness or signature and official  
3 position relating to the execution or attestation. A  
4 final certification may be made by a secretary of  
5 embassy or legation, consul general, consul, vice  
6 consul or consular agent of the United States, or a  
7 diplomatic or consular official of the foreign country  
8 assigned or accredited to the United States. If  
9 reasonable opportunity has been given to all parties  
10 to investigate the authenticity and accuracy of  
11 official documents, the court may, for good cause  
12 shown, order that they be treated as presumptively  
13 authentic without final certification or permit them  
14 to be evidenced by an attested summary with or without  
15 final certification;

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

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

3 6. Printed materials purporting to be newspapers or  
4 periodicals;

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

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

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

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

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

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

1 and was made pursuant to the regularly conducted  
2 activity,

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

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

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

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

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 20.        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:

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

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

3           3. "DNA" means Deoxyribonucleic acid.

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

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

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

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

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

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

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

- 18 a. providing criminalistic laboratory services,  
19 b. the purchase and maintenance of equipment for use by  
20 the laboratory in performing analysis,  
21 c. education, training, and scientific development of  
22 Oklahoma State Bureau of Investigation personnel, and  
23  
24

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

4           D.    Upon conviction or bond forfeiture, the court shall collect  
5 the fee provided for in subsection B of this section and deposit it  
6 in an account created for that purpose. Except as otherwise  
7 provided in subsection E of this section, monies shall be forwarded  
8 monthly by the court clerk to the Council on Law Enforcement  
9 Education and Training. Beginning July 1, 2003, deposits shall be  
10 due on the fifteenth day of each month for the preceding calendar  
11 month. There shall be a late fee imposed for failure to make timely  
12 deposits; provided, the Council on Law Enforcement Education and  
13 Training, in its discretion, may waive all or part of the late fee.  
14 Such late fee shall be one percent (1%) of the principal amount due  
15 per day beginning from the tenth day after payment is due and  
16 accumulating until the late fee reaches one hundred percent (100%)  
17 of the principal amount due. Beginning on July 1, 1987, ninety  
18 percent (90%) of the monies received by the Council on Law  
19 Enforcement Education and Training from the court clerks pursuant to  
20 this section shall be deposited in the CLEET Fund, and ten percent  
21 (10%) shall be deposited in the General Revenue Fund. Beginning  
22 January 1, 2001, sixty and fifty-three one-hundredths percent  
23 (60.53%) of the monies received by the Council on Law Enforcement  
24 Education and Training from the court clerks pursuant to this

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

12 E. Any municipality or county having a basic law enforcement  
13 academy approved by the Council on Law Enforcement Education and  
14 Training pursuant to the criteria developed by the Council for  
15 training law enforcement officers shall retain from monies collected  
16 pursuant to subsections A through D of this section, Two Dollars  
17 (\$2.00) from each fee. These monies shall be deposited into an  
18 account for the sole use of the municipality or county in  
19 implementing its law enforcement training functions. Not more than  
20 seven percent (7%) of the monies shall be used for court and  
21 prosecution training. The court clerk of any such municipality or  
22 county shall furnish to the Council on Law Enforcement Education and  
23 Training the report required by subsection D of this section.

24

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

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

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

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

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

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

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

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

22           Section 1154. A. Autopsy means a post mortem dissection of a  
23 dead human body in order to determine the cause, seat or nature of  
24 disease or injury and includes, but is not limited to, the retention

1 of tissues for evidentiary, identification, diagnostic, scientific  
2 and therapeutic purposes.

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

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

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

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

18 C. 1. Any physician or hospital authorized to perform an  
19 autopsy pursuant to this section, whether by statutory authority or  
20 by consent from a person entitled to assume custody of the body for  
21 burial, shall be and is authorized to retain such tissue and  
22 specimens as the examining physician deems proper. Such tissue and  
23 specimens may be retained for examination, dissection or study in  
24 furtherance of determining the cause of death, or for evidentiary,

1 diagnostic, or scientific purposes. Except with regard to medical  
2 examiners and the Office of the Chief State Medical Examiner, this  
3 provision shall not apply if a person entitled to assume custody of  
4 the body for burial notifies the physician or hospital performing  
5 the autopsy prior to said autopsy of any objection to the retention  
6 of tissue and specimens obtained from the autopsy.

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

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

14 Section 1168.4 A. All persons who encounter or discover human  
15 skeletal remains or what they believe may be human skeletal remains  
16 or burial furniture thought to be associated with human burials in  
17 or on the ground shall immediately cease any activity which may  
18 cause further disturbance and shall report the presence and location  
19 of such human skeletal remains to an appropriate law enforcement  
20 officer.

21 B. Any person who willfully fails to report the presence or  
22 discovery of human skeletal remains or what they believe may be  
23 human skeletal remains within forty-eight (48) hours to an  
24

1 appropriate law enforcement officer in the county in which the  
2 remains are found shall be guilty of a misdemeanor.

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

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

16 E. The law enforcement officer, if there is a reason to believe  
17 that the skeletal remains may be human, shall promptly notify the  
18 landowner and the Chief Medical Examiner. If remains reported under  
19 ~~this act~~ Section 1168.1 et seq. of this title are not associated  
20 with or suspected of association with any crime, the State  
21 Archaeologist and the State Historic Preservation Officer shall be  
22 notified within fifteen (15) days. If review by the State  
23 Archaeologist and the State Historic Preservation Officer of the  
24 human skeletal remains and any burial furniture demonstrates or

1 suggests a direct historical relationship to a tribal group, then  
2 the State Archaeologist shall:

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

8 SECTION 23. AMENDATORY 63 O.S. 2001, Section 1-329.1, is  
9 amended to read as follows:

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

15 When the person legally responsible for disposition of a dead  
16 human body, whose death occurred or was pronounced within this  
17 state, desires that the body be cremated, buried at sea, or made  
18 unavailable for further pathologic study by other recognized means  
19 of destruction or dissolution of such remains, that person shall  
20 complete an application-permit form for such procedure provided by  
21 the Office of the ~~Chief~~ State Medical Examiner. The Office of the  
22 ~~Chief~~ State Medical Examiner shall charge a fee of One Hundred  
23 Dollars (\$100.00) for each cremation permit issued. The Medical  
24 Examiner shall be notified, as required in Section 938 of this

1 title. ~~He~~ The Medical Examiner shall perform the required  
2 investigation and shall issue a valid death certificate as required  
3 by Section 947 of this title and execute the permit in accordance  
4 with rules established by the Office of the ~~Chief~~ State Medical  
5 Examiner. In order to be valid each permit must contain an  
6 individual number assigned to the particular permit by the Office of  
7 the ~~Chief~~ State Medical Examiner. A copy of the application-permit  
8 form and the original death certificate shall be filed with the  
9 local registrar of vital statistics of the registration district in  
10 which the death occurred or was pronounced. The original  
11 application-permit form shall be filed by the funeral director with  
12 the Office of the ~~Chief~~ State Medical Examiner. Such filing shall  
13 occur or be postmarked within forty-eight (48) hours of the death.

14 If death occurred or was pronounced outside the geographic  
15 limits of the State of Oklahoma and the body is brought into this  
16 state for such disposal, a transit permit or a permit for removal,  
17 issued in accordance with the laws and regulations in force where  
18 the death occurred shall authorize the transportation of the body  
19 into or through this state and shall be accepted in lieu of a  
20 certificate of death as required above. A valid permit issued for  
21 disposal of such body in accordance with the laws in the  
22 jurisdiction where the body died or death was pronounced shall be  
23 authority for cremation or burial at sea or to make the body

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

3 SECTION 24. AMENDATORY 63 O.S. 2001, Section 2-315, is  
4 amended to read as follows:

5 Section 2-315. A. Except as otherwise provided by law, any  
6 person required to obtain an annual registration pursuant to Section  
7 2-302 of this title, or any group home, or residential care home as  
8 defined by Section 1-820 of this title shall submit for destruction  
9 all controlled dangerous substances which are out of date, which are  
10 unwanted, unused or which are abandoned by their owner at their  
11 facility due to death or other circumstances.

12 B. All controlled dangerous substances described in subsection  
13 A of this section shall be submitted to the Oklahoma City laboratory  
14 of the Oklahoma State Bureau of Investigation, along with all  
15 required information on forms provided by the Oklahoma State Bureau  
16 of Investigation, to the federal Drug Enforcement Administration, to  
17 a duly registered reverse distributor, or to the original registered  
18 supplier or their registered agent. When any such substance is  
19 transported by private contract or common carrier or United States  
20 Postal Service for the purpose of destruction, the sender shall  
21 require a receipt from such private contract or common carrier or  
22 United States Postal Service, and such receipt shall be retained as  
23 a permanent record by the sender.

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

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

15 D. The Office of the Chief State Medical Examiner is hereby  
16 authorized to perform on-site incineration of all controlled  
17 dangerous substances which are obtained in the discharge of the  
18 official duties of the Chief Medical Examiner. Any record relating  
19 to destruction of a controlled dangerous substance shall be  
20 maintained as required by the state or federal government and shall  
21 be available for inspection by appropriate state or federal  
22 government regulatory agencies.

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

1 SECTION 25. REPEALER 63 O.S. 2001, Section 944.2, is  
2 hereby repealed.

3 SECTION 26. This act shall become effective November 1, 2011.

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