



SPONSOR: Rep. Ulbrich & Sen. DeLuca ;
Reps. Capano, Keeley, Price,
Valihura; Sens. Bunting, Simpson,
Sokola, Still

HOUSE OF REPRESENTATIVES

140th GENERAL ASSEMBLY

HOUSE BILL NO. 666

AN ACT TO AMEND CHAPTER 47, TITLE 29 OF THE DELAWARE CODE RELATING TO MEDICAL EXAMINERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §4704, Chapter 47, Title 29 of the Delaware Code by striking said section in its entirety, and substituting in lieu thereof the following:

“§4704. Powers and Duties of the Office.

The Office of Chief Medical Examiner shall have the following powers and duties:

(a) The investigation of the death of any person if there is suspicion or reason to believe such person died because of any of the following reasons, or under any of the following circumstances:

(1) violence resulting in death, if such violence causing the death occurred not longer than one year and one day prior to such death;

(2) suicide, if such suicide occurred not longer than one year and one day prior to the investigation;

(3) casualty, if such casualty causing the death occurred not longer than one year and one day prior to such death;

(4) death while the decedent was under anesthesia;

(5) death or suspected death by abortion;

(6) death or suspected death by poison;

(7) sudden death, when the decedent appeared to be in good health, and the decedent was not under treatment by a physician;

(8) death while in a penal institution;

(9) death while in police custody;

(10) death from a disease which was a result of decedent's employment;

(11) death from a disease resulting from an injury which occurred during the course of the decedent's employment;

(12) death from an undiagnosed cause which may be related to a disease constituting a threat to public health;

(13) death in any suspicious or unusual manner;

(14) the identity of the decedent is not known, or the body is unclaimed; or

(15) the body of the decedent is to be cremated.

(b) Take the names and addresses of as many witnesses as is practicable for a written report to be filed in the office of the Chief Medical Examiner.

(c) Take charge of all personal property found on deceased, and make an exact inventory.

(d) Take possession of objects or articles which may be useful in establishing the identity of deceased, and deliver same to Attorney General;

(e) Statewide power to file cause of death certificate in Office of the Chief Medical Examiner within 30 days of death investigation.

(f) Perform an autopsy if the Chief Medical Examiner determines one is necessary, or at request of Attorney General;

(g) After postmortem examination, to release the body to the decedent's next of kin or representative;

(h) Supply next of kin, upon request, with a copy of the postmortem examination, autopsy report, and laboratory reports, unless there is criminal prosecution;

(i) Administer all oaths and affirmations, issue any necessary subpoenas, take affidavits, and make examinations.

(j) Administration of the State central database for DNA identification records;

(k) As part of an investigation, furnish the Department of Public Safety with copies of the fingerprints of all unidentified deceased persons.

Section 2. Amend §4706, Chapter 47, Title 29 of the Delaware Code by striking subsection (a) in its entirety, and substituting in lieu thereof the following:

48 “(a) When any person shall die in this State and there is reason to believe such death occurred
49 during or because of any of the circumstances set forth in §4704(a), it shall be the duty of the person having
50 knowledge of such death or the person issuing a permit for cremation under §3159 of Title 16 to
51 immediately notify the Chief Medical Examiner, an Assistant Medical Examiner or a Deputy Medical
52 Examiner, as the case may be, who in turn shall notify the Attorney General of the known facts concerning
53 the time, place, manner and circumstances of such death. Any person who shall willfully neglect or refuse
54 to report such death or who shall refuse to make available prior medical or other information pertinent to
55 the death investigation or who, without an order from the office of the Chief Medical Examiner, shall
56 willfully touch, remove or disturb the clothing or any article upon or near the body shall upon conviction be
57 subject to imprisonment for not more than 1 year or pay a fine of not more than \$1,000, or both.”

SYNOPSIS

Present §4704, in describing the duties of medical examiners, refers to "functions now devolving upon coroners, deputy coroners and coroner's physicians in the counties of this State." The Office of Coroner was abolished in 1970.

The Sunset Committee has recommended, as a condition for the continuation of the Office of Chief Medical Examiner, that the powers and duties of the agency, as set forth in §4704, be updated, including the investigation of a death of a person who is to be cremated, and the delivery of articles of deceased to the Attorney General.