

ASSEMBLY, No. 1849

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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District 34 (Essex and Passaic)

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SYNOPSIS

Requires responding law enforcement officer to stay with dead body until medical examiner takes charge of body.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning dead bodies and amending P.L.2018, c.62.

2

3 **BE IT ENACTED** *by the Senate and General Assembly of the State*
4 *of New Jersey:*

5

6 1. Section 10 of P.L.2018, c.62 (C.26:6B-10) is amended to
7 read as follows:

8 10. a. A medical examiner shall conduct a medicolegal
9 investigation of a death in this State, as determined to be necessary
10 to establish identity and the cause and manner of death, and to
11 resolve any issues or potential issues of public health and of legal
12 concern, in accordance with rules and regulations adopted by the
13 Chief State Medical Examiner, in any of the following instances:

14 (1) death where criminal violence appears to have taken place,
15 regardless of the time interval between the incident and death, and
16 regardless of whether the violence appears to have been the
17 immediate cause of death, or a contributory factor thereto;

18 (2) death by accident or unintentional injury, regardless of the
19 time interval between the incident and death, and regardless of
20 whether the injury appears to have been the immediate cause of
21 death, or a contributory factor thereto;

22 (3) death under suspicious or unusual circumstances;

23 (4) death from causes that might constitute a threat to public
24 health or safety;

25 (5) death not caused by readily recognizable diseases, disability,
26 or infirmity;

27 (6) sudden death when the decedent was in apparent good
28 health;

29 (7) suicide;

30 (8) death of a child under 18 years of age from any cause;

31 (9) sudden or unexpected death of an infant or child under three
32 years of age or a fetal death occurring without medical attendance;

33 (10) death where suspicion of abuse of a child, family or
34 household member, or elderly or disabled person exists;

35 (11) death within 24 hours of admission to a hospital or a
36 nursing home;

37 (12) death in custody, in a jail or correctional facility, or in a
38 State or county psychiatric hospital, State developmental center, or
39 other public or private institution or facility for persons with mental
40 illness, developmental disabilities, or brain injury;

41 (13) death related to occupational illness or injury;

42 (14) death due to thermal, chemical, electrical, or radiation
43 injury;

44 (15) death due to toxins, poisons, medicinal or recreational
45 drugs, or a combination thereof;

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 (16) known or suspected non-natural death;
2 (17) any person found dead under unexplained circumstances;
3 (18) the discovery of skeletal remains;
4 (19) death for which investigation is in the public interest; or
5 (20) a death occurring under such other circumstances as
6 prescribed by regulation of the Chief State Medical Examiner.
7 b. For a death that occurs, or appears to have occurred, for any
8 of the reasons specified in subsection a. of this section:
9 (1) It shall be the duty of any member of the general public
10 having knowledge of the death to notify immediately the local law
11 enforcement agency of the known facts concerning the time, place,
12 manner, and circumstances of that death;
13 (2) It shall be the duty of any attending physician, licensed
14 nurse, hospital administrator, law enforcement officer, Department
15 of Children and Families staff member, or funeral director to notify
16 immediately the county or intercounty medical examiner of the
17 known facts concerning the time, place, manner, and circumstances
18 of that death; and
19 (3) A person who willfully neglects or refuses to report the
20 death, or who, without an order from the office of the county or
21 intercounty medical examiner or the Office of the Chief State
22 Medical Examiner, willfully touches, removes, or disturbs the
23 decedent's body or touches, removes, or disturbs the clothing upon
24 or near the body, is guilty of a crime of the fourth degree.
25 c. In addition to the rules and regulations adopted by the Chief
26 State Medical Examiner establishing uniform procedures for
27 conducting medicolegal death investigations, the procedures
28 concerning the death investigation process as set forth in this
29 subsection shall be followed by the persons specified herein.
30 (1) Upon the death of a person from any of the causes specified
31 in subsection a. of this section, it shall be the duty of the physician
32 in attendance, a law enforcement officer having knowledge of the
33 death, the funeral director, or any other person present, to
34 immediately notify the county or intercounty medical examiner and
35 the county prosecutor of the county in which the death occurred of
36 the known facts concerning the time, place, manner, and
37 circumstances of that death. Upon receipt of that notification, the
38 county or intercounty medical examiner, or an assistant county or
39 intercounty medical examiner, or a medicolegal death investigator
40 shall immediately proceed to the place where the dead body is
41 located and take charge of the body. A law enforcement officer
42 who has responded to an incident involving a dead body shall
43 remain at the location of the body until the county or intercounty
44 medical examiner, or an assistant county or intercounty medical
45 examiner, or a medicolegal death investigator has taken charge of
46 the body. A medicolegal death investigator who engages in the
47 investigation of deaths pursuant to this subsection shall obtain
48 certification from the American Board of Medicolegal Death

1 Investigators within three years after the effective date of this act,
2 or within three years after the person first takes action under this
3 paragraph, whichever is later.

4 (2) In cases of apparent homicide or suicide, or of accidental
5 death, the cause of which is obscure, the scene of the event shall not
6 be disturbed until the medical examiner or medicolegal death
7 investigator in charge provides authorization to do so.

8 (3) (a) The medical examiner or medicolegal death investigator,
9 as the case may be, shall: fully investigate the essential facts
10 concerning the medical causes of death and take the names and
11 addresses of as many witnesses thereto as may be practicable to
12 obtain; before leaving the premises, reduce those facts, as the
13 medical examiner may deem necessary, to writing; file those facts
14 in the office of the county or intercounty medical examiner; and
15 make the facts available to the county prosecutor and the Chief
16 State Medical Examiner at their request.

17 (b) The law enforcement officer present at the investigation, or
18 the medical examiner or medicolegal death investigator if no officer
19 is present, shall, in the absence of the next-of-kin of the deceased
20 person: take possession of all property of value found on the
21 decedent; make an exact inventory thereof on his report; and deliver
22 the property to the law enforcement agency for the municipality in
23 which the death occurred, which shall surrender the property to the
24 person entitled to its custody or possession.

25 (c) The medical examiner or medicolegal death investigator, as
26 the case may be, shall take possession of any objects or articles that,
27 in his opinion, may be useful in establishing the cause or manner of
28 death, or which constitute evidence of criminal behavior, and, after
29 cataloging each item, deliver them to the county prosecutor.

30 (4) The Chief State Medical Examiner, Deputy Chief State
31 Medical Examiner, county or intercounty medical examiner,
32 assistant county or intercounty medical examiner, or medicolegal
33 death investigator shall consult with law enforcement officers and
34 agencies, county prosecutors, public health agencies, or other
35 appropriate entities in matters within their expertise, when
36 conducting a medicolegal death investigation. The medical
37 examiner or medicolegal death investigator, as the case may be,
38 shall be provided with an Originating Agency Identification
39 Number, and access to the State's motor vehicle registries and
40 fingerprint registries, for the purposes of identifying the remains of
41 a deceased individual under this section.

42 (5) If the cause of death is established within a reasonable
43 degree of medical certainty and no autopsy is deemed necessary, the
44 county or intercounty medical examiner, assistant county or
45 intercounty medical examiner, or medicolegal death investigator, as
46 the case may be, shall reduce the findings to writing and promptly
47 make a full report thereof to the Chief State Medical Examiner and

1 to the county prosecutor in a format to be prescribed by the Chief
2 State Medical Examiner for that purpose.

3 (6) If, in the opinion of the county or intercounty medical
4 examiner, the Chief State Medical Examiner, an assignment judge
5 of the Superior Court, the county prosecutor, the Attorney General,
6 or the commissioner, an autopsy is deemed necessary, the autopsy
7 shall be performed by:

8 (a) the county or intercounty medical examiner or assistant
9 county or intercounty medical examiner, provided the individual
10 performing the autopsy is under the supervision of a pathologist
11 certified by the American Board of Pathology or the American
12 Osteopathic Board of Pathology;

13 (b) the Chief State Medical Examiner, at his discretion, or the
14 Deputy Chief State Medical Examiner; or

15 (c) such competent forensic pathologists as may be authorized
16 by the Chief State Medical Examiner.

17 (7) If, in any case in which the suspected cause of death of a
18 child under one year of age is sudden infant death syndrome, or the
19 child is between one and three years of age and the death is sudden
20 and unexpected, and an investigation has been conducted in
21 accordance with the provisions of this section, and a parent or legal
22 guardian of the child requests an autopsy, an autopsy shall be
23 performed by: the county or intercounty medical examiner or
24 assistant county or intercounty medical examiner, provided the
25 individual performing the autopsy is under the supervision of a
26 pathologist certified by the American Board of Pathology or the
27 American Osteopathic Board of Pathology; or the Chief State
28 Medical Examiner, at his discretion, or the Deputy Chief State
29 Medical Examiner.

30 (a) The medical examiner performing the autopsy shall file a
31 detailed description of the findings and conclusions of the autopsy
32 with the Office of the Chief State Medical Examiner, and with the
33 appropriate county or intercounty medical examiner office and the
34 county prosecutor.

35 (b) Upon the request of a parent or legal guardian of the child, a
36 pediatric pathologist, if available, shall assist in the performance of
37 the autopsy under the direction of a forensic pathologist. The Chief
38 State Medical Examiner or county or intercounty medical examiner
39 shall notify the parent or legal guardian of the child that they may
40 request that a pediatric pathologist assist in the performance of the
41 autopsy. The medical examiner shall include any findings and
42 conclusions by the pathologist from the autopsy with the
43 information filed with the Office of the Chief State Medical
44 Examiner, and with the appropriate county or intercounty medical
45 examiner office and the county prosecutor, pursuant to
46 subparagraph (a) of this paragraph. The Chief State Medical
47 Examiner or the county or intercounty medical examiner shall make
48 available a copy of these findings and conclusions to the closest

1 surviving relative of the decedent within 120 days of the receipt of a
2 request therefor, unless the death is under active investigation by a
3 law enforcement agency.

4 (c) The medical examiner with jurisdiction for the investigation
5 shall make the preliminary findings and conclusions of the autopsy
6 available to the child's parent or legal guardian and the department
7 within 48 hours after the medical examiner is notified of the death
8 of the child. The medical examiner shall provide his findings and
9 conclusions for each reported case to the department upon
10 completion of the investigation.

11 (8) Notwithstanding the provisions of this act to the contrary, a
12 county or intercounty medical examiner may request the Chief State
13 Medical Examiner or Deputy Chief State Medical Examiner, or
14 other person authorized and designated by the Chief State Medical
15 Examiner, to conduct an examination or perform an autopsy
16 whenever it is deemed necessary or desirable.

17 (9) In the case of the death of a resident of a long-term care
18 facility licensed by the Department of Health pursuant to P.L.1971,
19 c.136 (C.26:2H-1 et seq.), a State psychiatric hospital operated by
20 the Department of Health and listed in R.S.30:1-7, a county
21 psychiatric hospital, a facility for persons with developmental
22 disabilities as defined in section 3 of P.L.1977, c.82 (C.30:6D-3), or
23 a facility for persons with traumatic brain injury as defined in 42
24 U.S.C. s.280b-1c that is operated by or under contract with the
25 Department of Human Services, the psychiatric hospital or facility,
26 as the case may be, shall, in addition to notifying the next-of-kin of
27 the resident's death, so notify the county or intercounty medical
28 examiner and provide that individual with contact information for
29 the resident's next-of-kin. The county or intercounty medical
30 examiner, or assistant county or intercounty medical examiner on
31 his behalf, shall make every practicable effort to contact the
32 resident's next-of-kin to offer that person the opportunity to provide
33 the medical examiner with information that the person deems
34 relevant to: the circumstances of the resident's death; and whether
35 there is a need to perform a dissection or autopsy of the decedent.

36 d. Upon the request of a decedent's legal representative, or
37 upon the request of the person who, pursuant to section 22 of
38 P.L.2003, c.261 (C.45:27-22), is in control of the decedent's
39 funeral, the Chief State Medical Examiner shall provide the legal
40 representative or person in control of the funeral with all available
41 documentation related to the decedent's autopsy and the medical
42 investigation of the decedent's death.

43 (cf: P.L.2018, c.62, s.10)

44
45 2. This act shall take effect on the first day of the fourth month
46 next following enactment.

STATEMENT

This bill requires a law enforcement officer who has responded to an incident involving a dead body to remain with the body until the medical examiner arrives to take charge of the body.

Under current law, the State's medical examiner is required to conduct a medicolegal investigation of a person's death to determine the person's identity and cause and manner of death, and to resolve any issues or potential issues of public health and of legal concern in the following instances:

- death where criminal violence appears to have taken place;
- death by accident or unintentional injury;
- death under suspicious or unusual circumstances;
- death from causes that may constitute a threat to public health or safety;
- death not caused by readily recognizable diseases, disability, or infirmity;
- sudden death when the decedent was in apparent good health;
- suicide;
- death of a child under 18 years of age from any cause;
- sudden or unexpected death of an infant or child under three years of age or a fetal death occurring without medical attendance;
- death where suspicion of abuse of a child, family, or household member, or elderly or disabled person exists;
- death within 24 hours of admission to a hospital or a nursing home;
- death in custody, in a jail, correctional facility, psychiatric hospital, developmental center, or other public or private institutions for persons with mental illness, developmental disabilities, or brain injury;
- death related to occupational illness or injury;
- death due to thermal, chemical, electrical, or radiation injury;
- death due to toxins, poisons, medicinal or recreational drugs;
- known or suspected non-natural death;
- any person found dead under unexplained circumstances;
- discovery of skeletal remains;
- death for which investigation is in the public interest; and
- other deaths as determined by the Chief State Medical Examiner.

Under this bill, if a law enforcement officer responds to an incident involving a dead body and the medical examiner is required to conduct a medicolegal investigation for any of the preceding reasons, the officer is required to remain with the dead body until the medical examiner takes charge of that body.