
By: Delegate Walkup

Introduced and read first time: February 1, 1996

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Medical Examiner - Autopsies - Body Transportation**

3 FOR the purpose of requiring certain officials of the county medical examiner's office to
4 arrange and provide for the transportation of a body following a legally required
5 autopsy to a location within the State designated by the next of kin; requiring the
6 Postmortem Examiners Commission to provide payment for the body transportation
7 services; and generally relating to body transportation after autopsies.

8 BY repealing and reenacting, with amendments,
9 Article - Health - General
10 Section 5-309
11 Annotated Code of Maryland
12 (1994 Replacement Volume and 1995 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - Health - General**

16 5-309.

17 (a) (1) A medical examiner shall investigate the death of a human being if the
18 death occurs:

19 (i) By violence;

20 (ii) By suicide;

21 (iii) By casualty;

22 (iv) Suddenly, if the deceased was in apparent good health
23 unattended by a physician; or

24 (v) In any suspicious or unusual manner.

25 (2) A medical examiner shall investigate the death of a human fetus if:

26 (i) Regardless of the duration of the pregnancy, the death occurs
27 before the complete expulsion or extraction of the fetus from the mother; and

2

1 (ii) The mother is not attended by a physician at or after the delivery.

2 (b) If a medical examiner's case occurs, the police or sheriff immediately shall
3 notify the medical examiner and State's Attorney for the county where the body is found
4 and give the known facts concerning the time, place, manner, and circumstances of the
5 death.

6 (c) Immediately on notification that a medical examiner's case has occurred, the
7 medical examiner or an investigator of the medical examiner shall go to and take charge
8 of the body. The medical examiner or the investigator shall investigate fully the essential
9 facts concerning the medical cause of death and, before leaving the premises, reduce
10 these facts and the names and addresses of witnesses to writing, which shall be filed in the
11 medical examiner's office.

12 (d) The medical examiner or the investigator shall take possession of and deliver
13 to the State's Attorney or the State's Attorney's designee any object or article that, in the
14 opinion of the medical examiner or the investigator, may be useful in establishing the
15 cause of death.

16 (e) (1) If the next of kin of the deceased is not present at the investigation, the
17 police officer or sheriff at the investigation or, if a police officer or sheriff is not present,
18 the medical examiner or the investigator shall:

19 (i) Take possession of all property of value found on the body;

20 (ii) In the report of the death, make an exact inventory of the
21 property; and

22 (iii) Deliver the property to the appropriate sheriff or police
23 department.

24 (2) The sheriff or police department shall surrender the property to the
25 person who is entitled to its possession or custody.

26 (F) (1) THE PERSON WHO HAS TAKEN CHARGE OF THE BODY UNDER
27 SUBSECTION (C) OF THIS SECTION SHALL ARRANGE FOR BODY TRANSPORTATION
28 SERVICES FOLLOWING THE AUTOPSY.

29 (2) THE BODY SHALL BE REMOVED TO A LOCATION WITHIN THE STATE
30 DESIGNATED BY THE NEXT OF KIN.

31 (3) THE COMMISSION SHALL PAY THE COSTS OF REMOVING A BODY AS
32 REQUIRED BY THIS SUBSECTION.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 1996.