

(10) Suspension for cause with or without pay for not longer than 60 days and for leave of absence, with or without pay; and

(11) ~~Such~~ Other rules not inconsistent with the provisions of this chapter as may, from time to time, be found necessary to secure the purposes of sections 387.31 to 387.45.

(c) When a disparity exists between the make-up of the sheriff's department and its approved affirmative action goals, the commission may certify up to two eligible candidates from each protected group for which a disparity exists. This certification is in addition to the three candidates certified under paragraph (b), clause (7). This expanded certification must not include a member of a protected group if a member of that group is one of the three candidates certified under paragraph (b), clause (7). A certification under this paragraph must be made from the list of eligible candidates who have successfully completed the examination, in order of their standing in the examination. This expanded certification applies only to positions to be filled from the public, and does not apply to promotional appointments.

(d) Copies of such the rules shall must be kept posted in a conspicuous place in the sheriff's main office.

## Sec. 2. EFFECTIVE DATE.

Section 1 is effective the day following final enactment.

Presented to the governor April 7, 1993

Signed by the governor April 7, 1993, 3:25 p.m.

## CHAPTER 16—H.F.No. 298

*An act relating to local government; creating the office of Anoka county coroner; appointing a physician as county coroner; appointing assistant coroners; designating deputy coroners; establishing the duties of the coroner.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

### Section 1. ANOKA COUNTY; COUNTY CORONER.

Subdivision 1. CREATION. Upon a majority vote of the board of county commissioners of Anoka county, the office of county coroner may be created and established in the county.

Subd. 2. APPOINTMENT. The board of county commissioners of Anoka county shall appoint as county coroner a doctor of medicine licensed to practice pursuant to Minnesota Statutes, chapter 147, or similar laws in any other state. The coroner shall serve at the pleasure of the county board. The county board shall pay the coroner a fee to be determined by the board and provide for the payment of the coroner's expenses incurred in the performance of duties. The coroner must have successfully completed academic courses in pharmacology, surgery, pathology, toxicology, and physiology.

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Subd. 3. BOND. Before taking office, the coroner shall post bond to the state in a penal sum set by the county board, not less than \$500 nor more than \$10,000. The coroner's bond is subject to the same conditions in substance as in the bond required by law to be given by the sheriff, except as to the description of the office. The bond and oath of office shall be filed with the county recorder.

#### Sec. 2. ASSISTANTS.

The coroner shall appoint one or more assistants who are doctors of medicine licensed to practice pursuant to Minnesota Statutes, chapter 147. When the coroner is absent or unable to act, the assistants have the same duties and powers and are subject to the same liabilities as the coroner. An assistant shall be appointed in writing. The oath and appointment shall be filed for record with the county recorder. The assistant shall act by name as assistant coroner and hold office for a term concurrent with the coroner.

#### Sec. 3. DEPUTIES.

The coroner shall utilize Anoka county deputy sheriffs to conduct necessary investigative work. The coroner and sheriff shall jointly determine which deputies shall be designated deputy coroners. A deputy coroner shall be appointed by the coroner in writing. The oath and appointment shall be filed for record with the county recorder. The deputy shall act by name as deputy coroner and hold office for a term concurrent with the coroner. When instructed by the coroner pursuant to duties under sections 1 to 10, deputy coroners shall comply with the instruction in a reasonable and timely manner. While acting as a deputy coroner, a deputy sheriff shall act exclusively at the direction of the county coroner or assistant coroner. In an investigation of a death of a person that occurred while that person was in the custody of the sheriff, the coroner may retain other investigative resources and conduct the investigation through those resources.

#### Sec. 4. INVESTIGATIONS AND INQUESTS.

Subdivision 1. DEATHS REQUIRING INQUESTS AND INVESTIGATIONS. The coroner and sheriff shall investigate all human deaths of the following types, and the coroner may conduct inquests in all human deaths of the following types:

(1) violent deaths, whether apparently homicidal, suicidal, or accidental, including but not limited to deaths due to thermal, chemical, electrical, or radiation injury, and deaths due to criminal abortion, whether apparently self-induced or not;

(2) deaths under unusual or mysterious circumstances;

(3) deaths of persons whose bodies are to be cremated, dissected, buried at sea, or otherwise disposed of so that the bodies will later be unavailable for examination; and

(4) deaths of inmates of public institutions who are not hospitalized for

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organic disease and whose deaths are not of any type referred to in clause (1) or (2).

Subd. 2. VIOLENT OR MYSTERIOUS DEATHS; AUTOPSIES. The coroner may conduct an autopsy in the case of any human death referred to in subdivision 1, clause (1) or (2), when the coroner judges that the public interest requires an autopsy.

Subd. 3. OTHER DEATHS; AUTOPSIES; EXHUMATION; CONSENT. The coroner may conduct an autopsy in the case of any human death referred to in subdivision 1, clause (3) or (4), or may exhume any human body and perform an autopsy on it in the case of any human death referred to in subdivision 2 when the coroner judges that the public interest requires an autopsy. No autopsy shall be conducted unless the surviving spouse, or next of kin if there is no surviving spouse, consents to it, or the district court of the county where the body is located or buried, upon notice as the court directs, enters an order authorizing an autopsy or an exhumation and autopsy. Application for an order may be made by the coroner or by the county attorney of the county where the body is located or buried, upon a showing that the court deems appropriate.

Subd. 4. ASSISTANCE OF MEDICAL SPECIALISTS. If during an investigation the coroner believes the assistance of pathologists, toxicologists, deputy coroners, laboratory technicians, or other medical experts is necessary to determine the cause of death, the coroner shall obtain their assistance.

Subd. 5. INQUEST. The record and report of the inquest proceedings may not be used in evidence in any civil action arising out of the death for which an inquest was ordered. Before an inquest is held, the coroner shall notify the county attorney. The county attorney shall examine witnesses at the inquest.

Subd. 6. RECORDS. The coroner shall keep properly indexed records giving the name, if known, of every person whose death is investigated, the place where the body was found, the date, cause, and manner of death, and all other relevant information concerning the death.

Subd. 7. REPORTS. (a) Deaths of the types described in this section must be promptly reported for investigation to the coroner by the law enforcement officer, attending physician, mortician, person in charge of the public institutions referred to in subdivision 1, or other person with knowledge of the death.

(b) For the purposes of this section, health-related records or data on a decedent, except health data defined in Minnesota Statutes, section 13.38, whose death is being investigated under this section, whether the records or data are recorded or unrecorded, including but not limited to those concerning medical, surgical, psychiatric, psychological, or any other consultation, diagnosis, or treatment, including medical imaging, shall be made promptly available to the coroner, upon the coroner's written request, by a person having custody of, possession of, access to, or knowledge of the records or data. The coroner shall pay for reasonable costs of copies of records or data provided to the coroner

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under this section. Data collected or created pursuant to this subdivision relating to any psychiatric, psychological, or mental health consultation with, diagnosis of, or treatment of the decedent whose death is being investigated shall remain confidential or protected nonpublic data, except that the coroner's report may contain a summary of such data.

Subd. 8. CORONER IN CHARGE OF BODY. Upon notification of a death subject to this section, the coroner or deputy coroner shall proceed to the body, take charge of it, and, when necessary, order that there be no interference with the body or the scene of death. Investigation shall be conducted concurrently by the coroner or deputy coroner and the sheriff.

Subd. 9. CRIMINAL ACT REPORT. On coming to believe that the death may have resulted from a criminal act, the coroner or assistant coroner shall deliver a signed copy of the report of investigation or inquest to the county attorney.

Subd. 10. SUDDEN INFANT DEATH. If a child under the age of two years dies suddenly and unexpectedly under circumstances indicating that the death may have been caused by sudden infant death syndrome, the coroner or personal physician shall notify the child's parents or guardian that an autopsy is essential to establish the cause of death as sudden infant death syndrome. If an autopsy reveals that sudden infant death syndrome is the cause of death, that fact must be stated in the autopsy report. The parents or guardian of the child shall be promptly notified of the cause of death and of the availability of counseling services.

Subd. 11. AUTOPSY FEES. The coroner may charge a reasonable fee to a person requesting an autopsy if the autopsy would not otherwise be conducted under subdivision 1, 2, or 3.

Subd. 12. AUTHORIZED REMOVAL OF THE BRAIN. If the coroner is informed by a physician or pathologist that a dead person is suspected of having had Alzheimer's disease, the coroner shall authorize the removal of the brain of the dead person for the purposes of Minnesota Statutes, sections 145.131 and 145.132.

#### **Sec. 5. TO ACT WHEN SHERIFF OF PARTY TO ACTION.**

When the sheriff is a party to an action or when a party, or a party's agent or attorney, files with the court administrator of the district court an affidavit stating that the party believes the sheriff, because of partiality, prejudice, consanguinity, or interest, will not faithfully perform the sheriff's duties in an action commenced, or about to be commenced, the clerk shall direct process in the action to the coroner. The coroner shall perform the duties of the sheriff relative to the action in the same manner required for a sheriff.

#### **Sec. 6. BODIES; EFFECTS; CUSTODY.**

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A person may not remove, interfere with, or handle the body or the effects of any person subject to an investigation by the county coroner except upon order of the coroner or deputy coroner. The coroner shall take charge of the effects found on the body of a deceased person and dispose of them as the probate court directs by written order. If a crime in connection with the death of a deceased person is suspected, the coroner may prevent any person from entering the premises, rooms, or buildings, and shall have the custody of objects that the coroner deems material evidence in the case. A willful violation of this section is a misdemeanor.

**Sec. 7. FINGERPRINTS; IDENTIFICATION DATA.**

The coroner shall have fingerprinted all deceased persons in the county whose identity is not immediately established. Within 24 hours after the body is found, the coroner shall forward the fingerprints, fingerprint records, and other identification data to the bureau of criminal apprehension. The superintendent of the bureau shall prescribe the form of these reports.

**Sec. 8. BURIAL.**

When a coroner holds an inquest upon view of the dead body of any person unknown, or, being called for that purpose, does not think it necessary, on view of the body, that an inquest be held, the coroner shall have the body decently buried. All expenses of the inquisition and burial shall be paid by the county where the dead body is found.

**Sec. 9. EXPENSES.**

The county board may allow the reasonable and necessary expenses of the coroner or deputy coroners incurred for telephone tolls, telegrams, postage, the cost of transcribing the testimony taken at an inquest, and other expenses incurred solely for the officers' official business under sections 1 to 10.

**Sec. 10. CERTIFICATES OF DEATH.**

No person, other than the coroner or judge shall issue a certificate of death in cases of violent or mysterious deaths, including suspected homicides, occurring in the county.

**Sec. 11. EFFECTIVE DATE.**

Sections 1 to 10 shall become effective the day following final enactment.

Presented to the governor April 7, 1993

Signed by the governor April 7, 1993, 3:20 p.m.

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