

CHAPTER 390

CORONER; MORGUE

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| <p>Sec. 390.005 Election or appointment, qualifications; vested rights; vacancies 390.006 Hennepin county, application 390.01 Bond 390.04 To act when sheriff a party to an action 390.05 Deputies 390.06 Public morgue 390.07 Morgue maintenance 390.08 Autopsies held at morgue 390.11 Investigations and inquests 390.111 Expenses 390.15 Witnesses; fees</p> | <p>Sec. 390.16 Oath of witnesses 390.17 Testimony; filing; certificate of no inquest 390.19 Witness bound over; return 390.20 Person charged arrested 390.21 Burial 390.22 Duties in St. Louis county 390.23 Certificates of death 390.24 Expenses 390.25 Fingerprinting of unidentified deceased person 390.26 Repealer, extent</p> |
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390.005 ELECTION OR APPOINTMENT, QUALIFICATIONS; VESTED RIGHTS; VACANCIES. Subdivision 1. A coroner shall be elected in each county as prescribed by Minnesota Statutes, Section 382.01, except as hereinafter provided.

Subd. 2. In any county in which the office of coroner has not been abolished, the board of county commissioners may by resolution duly adopted at least six months before the end of the term of the office of coroner declare its intention to fill the office by appointment. Having adopted such a resolution, the board of county commissioners shall fill the office of coroner by appointing a person to the office not less than 30 days before the end of the term of office of the incumbent. When so appointed, the coroner shall serve for such term of office as may be determined by the board of county commissioners commencing upon the expiration of the term of the incumbent but not to exceed four years.

Subd. 3. A coroner shall be a person who has, in the course of his education or professional training successfully completed academic courses in the subjects of pharmacology, surgery, pathology, toxicology, and physiology; provided, however, that if a board of county commissioners determines that the office of coroner shall not be an elective office as hereinbefore provided that if the board of county commissioners is unable to find any person meeting the foregoing qualifications who is willing to accept appointment as coroner, the board of county commissioners may appoint as coroner any qualified person, as defined herein, whether a resident of the county or not.

Subd. 4. The coroner of any county holding office on July 1, 1965, is confirmed and shall continue in office. Each such coroner shall serve for the balance of his present term and until his successor is elected and qualified. Each incumbent coroner in office on such date is deemed to meet the qualifications prescribed by this section for the purpose of his continuance in, reelection to or appointment to office.

Subd. 5. Vacancies in the office of coroner shall be filled in conformity with the provisions of Minnesota Statutes, Sections 375.08 and 382.02. A coroner may continue to be removed from office as now or hereafter provided by law.

[1965 c 761 s 1]

390.006 HENNEPIN COUNTY, APPLICATION. None of the provisions of Minnesota Statutes, Chapter 390, shall apply to the office of county medical examiner of Hennepin county, as established pursuant to Laws 1963, Chapter 848.

[1965 c 761 s 6]

390.01 BOND. Before entering upon the duties of his office, the coroner shall give bond to the county in such penal sum, not less than \$500 nor more than \$10,000, as the county board directs and approves, with 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, which bond, with his oath of office, shall be filed for record with the register of deeds.

[R. L. s. 583] (942)

390.02 [Repealed, 1965 c 761 s 8]

390.03 [Repealed, 1965 c 761 s 8]

390.04 TO ACT WHEN SHERIFF A PARTY TO AN ACTION. When the sheriff is a party to an action, or when any party, his agent or attorney, makes and files with the clerk of the district court an affidavit stating that he believes the sheriff, by reason either of partiality, prejudice, consanguinity, or interest, will not faithfully perform his duties in any action commenced, or about to be commenced, the clerk shall direct all process in such action to the coroner, who shall thereafter perform all the duties of the sheriff relative to such action, and in the same manner as prescribed for a sheriff in the performance of similar duties.

[R. L. s. 586] (945)

390.05 DEPUTIES. Every coroner shall appoint one or more deputies who, in the absence or inability of the coroner to act, shall have the same powers and be subject to the same liabilities as coroners. Each deputy shall be appointed in writing; and, if required to do so by the coroner, before entering upon the duties of his office, shall give the bond required by law of the coroner, which bond, with his oath and appointment, shall be filed for record with the register of deeds. Each deputy shall act in his own name as deputy coroner and hold his office during the pleasure of the coroner.

[R. L. s. 598; 1945 c. 144 s. 1] (957)

390.06 PUBLIC MORGUE. In every county having a population of 100,000 or over, not provided therewith, the board shall provide and equip a public morgue at the county-seat, for the receipt and proper disposition, without charge to any one, of all dead bodies which are by law subject to a post mortem or coroner's inquest. The cost of building and equipping such morgue shall not exceed the sum of \$2,500, nor its maintenance the sum of \$3,000 in any year.

[R. L. s. 435] (727)

390.07 MORGUE MAINTENANCE. Such morgue shall be under the control of the county board, be maintained in a suitable building separate from any other business, and equipped with the best modern approved appliances for the handling and disposition of dead bodies. It shall not be connected in any manner with any undertaking establishment, and no person shall be employed in or about the same who is in any manner connected with or interested in the undertaking business.

[R. L. s. 436] (728)

390.08 AUTOPSIES HELD AT MORGUE. Every inquest, post mortem examination, or autopsy held by the coroner upon any corpse subject thereto within the county shall be held at such morgue; and every coroner and deputy coroner of any county having such a morgue is prohibited from holding any such inquest, examination, or autopsy at any other place within such county, except the residence of the deceased person, when the death occurred thereat, or from influencing, interfering with, or in any manner attempting to direct or designate the undertaker who shall take charge of or inter any corpse from such morgue.

[R. L. s. 437] (729)

390.09 [Repealed, 1965 c 761 s 8]

390.10 [Repealed, 1965 c 761 s 8]

390.11 INVESTIGATIONS AND INQUESTS. Subdivision 1. The coroner shall investigate and 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 radiational 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 as to be thereafter unavailable for examination;
- (4) Deaths of inmates of public institutions who are not hospitalized therein for organic disease and whose deaths are not of any type referred to in clauses (1) or (2).

Subd. 2. The coroner may conduct an autopsy in the case of any human death of any type referred to in subdivision 1, clauses (1) or (2), when in the judgment of the coroner the public interest requires an autopsy.

Subd. 3. In addition the coroner may conduct an autopsy in the case of any human death of any type referred to in subdivision 1, clauses (3) or (4), or may exhume any human body and perform an autopsy thereon in the case of any human

death of any type referred to in subdivision 1 when in the judgment of the coroner the public interest requires an autopsy; provided that no such autopsy shall be conducted unless the surviving spouse, or next of kin if there be no surviving spouse, consents thereto, or unless the district court of the county wherein the body is located or buried shall, upon such notice as the court directs, enter its order authorizing an autopsy or an exhumation and autopsy. Application for such an order may be made by the coroner or by the county attorney of the county wherein the body is located or buried, upon such showing as the court deems appropriate.

Subd. 4. If during any such investigation and in the opinion of the coroner the assistance of pathologists, toxicologists, deputy coroners, laboratory technicians, or other medical experts are necessary to determine the cause of death, the coroner shall secure their assistance.

Subd. 5. The record of the inquest proceedings and the report thereof may not be used in evidence in any civil action arising out of the death for which such inquest was ordered. Before any inquest is held the coroner shall notify the county attorney to appear and conduct the examination of witnesses at such inquest.

Subd. 6. 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. All deaths of the types described in this section shall 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 having knowledge thereof.

Subd. 8. Upon notification of such a death the coroner or his deputy shall proceed to the body, take charge of the same, and, when necessary, order that there be no interference with the body or the scene of death.

Subd. 9. Whenever in his opinion death may have resulted from a criminal act he shall deliver a signed copy of his report of investigation or inquest to the county attorney.

[*R L s 587; 1945 c 529 s 1; 1965 c 761 s 2*] (946)

390.111 EXPENSES. The county board of the county may allow the reasonable and necessary expenses of the coroner or his deputies, incurred for telephone tolls, telegrams, or postage, and other expenses incurred pursuant to the provisions of Minnesota Statutes, Chapter 390, including without limiting the generality of the foregoing the cost of transcribing the testimony taken at any inquest, solely for the official business of such officers.

[1965 c 761 s 5]

390.12 [Repealed, 1965 c 761 s 8]

390.13 [Repealed, 1965 c 761 s 8]

390.14 [Repealed, 1965 c 761 s 8]

390.15 WITNESSES; FEES. The coroner may issue subpoenas for witnesses, returnable forthwith or at such time and place as he shall direct. The persons served with such subpoenas shall be allowed the same fees, their attendance be enforced in the same manner by the coroner, and they shall be subject to the same penalties as if they had been served with a subpoena in behalf of the state in a criminal case before a justice of the peace.

[*R. L. s. 591*] (950)

390.16 OATH OF WITNESSES. The following oath shall be administered to the witnesses by the coroner: "You do solemnly swear that the evidence you shall give to this inquest concerning the death of the person lying before you dead shall be the whole truth and nothing but the truth: So help you God."

[*R. L. s. 592*] (951)

390.17 TESTIMONY; FILING; CERTIFICATE OF NO INQUEST. The testimony of all witnesses examined at an inquest shall be reduced to writing by the coroner or under his direction and be subscribed by the witnesses respectively. The coroner shall forthwith file such testimony, together with a record of all proceedings had before him, in the office of the clerk of the district court of the county. In all cases brought to the attention of the coroner wherein he does not deem it necessary to hold an inquest, he shall forthwith file with such clerk a certificate

setting forth the facts in relation thereto. The clerk of the district court shall forthwith duly file and index such case or proceeding.

[*R. L. s. 593; 1955 c. 73 s. 1; 1965 c. 761 s. 3*] (952)

390.18 [Repealed, 1965 c. 761 s. 8]

390.19 WITNESS BOUND OVER; RETURN. If the coroner finds that any murder, manslaughter, or assault has been committed, he shall bind over by recognizance such witnesses as he shall think proper to appear and testify at the next term of the district court at which indictment for such offense can be found. He shall return to the same court the inquisition, written evidence, and all recognizances and examinations by him taken, and may commit to the jail of the county any witnesses who refuse to recognize in such manner, as he shall direct.

[*R. L. s. 595; 1965 c. 761 s. 4*] (954)

390.20 PERSON CHARGED ARRESTED. If any person charged by the inquest with having committed such offense is not in custody, the coroner shall have the same power as a justice of the peace to issue process for his apprehension; and such warrant shall be made returnable before any justice of the peace or other magistrate or court having jurisdiction in the case, who shall proceed therein in the same manner as in other like cases.

[*R. L. s. 596*] (955)

390.21 BURIAL. When any coroner holds an inquest upon view of the dead body of any person unknown, or, being called for that purpose, shall not think it necessary, on view of such body, that any inquest be held, he shall cause the body to be decently buried; and all expenses of the inquisition and burial shall be paid by the county in which such dead body is found.

[*R. L. s. 597*] (956)

390.22 DUTIES IN ST. LOUIS COUNTY. In all counties in this state now or hereafter having a population of over 150,000, and less than 240,000, it shall be unlawful for any person, in any such county, in any manner, to remove, interfere with, or handle the body or the effects of any deceased person subject to an investigation by the coroner of such county, except upon order of the coroner or his deputy, and the coroner shall receive, take charge of, and safely keep, the effects found on the body of such deceased persons and make such disposition of the same as the probate court shall direct by written order, and if a crime, in connection with the death of such deceased person, is suspected, the coroner shall have the power to prevent any person from going into or on the premises, or rooms or buildings thereon, and shall have the custody of any objects that he may deem to be of material evidence in such case.

[*1927 c. 201 s. 1*] (957-1)

390.23 CERTIFICATES OF DEATH. It shall be unlawful for any person, other than the coroner, to issue a certificate of death in any of the following cases: Violent or mysterious deaths, including suspected homicides, occurring in his county, and any wilful violation of any of the provisions of section 390.22 shall be a misdemeanor, punishable by fine or imprisonment, or both.

[*1927 c. 201 s. 2*] (957-2)

390.24 EXPENSES. The county board of any such county may allow the reasonable and necessary expenses of any such coroner or his deputies, incurred for telephone tolls, telegrams, or postage, solely for the official business of such officers.

[*1927 c. 201 s. 3*] (957-3)

390.25 FINGERPRINTING OF UNIDENTIFIED DECEASED PERSON. Subdivision 1. Each coroner shall cause to be fingerprinted all deceased persons in his county whose identity is not immediately established. Within 24 hours thereafter the coroner shall forward to the Bureau of Criminal Apprehension such fingerprints, fingerprint records and other identification data. The superintendent of the Bureau of Criminal Apprehension shall prescribe the form of these reports.

Subd. 2. These duties are in addition to those imposed on the coroner by Minnesota Statutes, Section 525.393.

[*1955 c. 268 s. 1, 2*]

MINNESOTA STATUTES 1967

4111

CORONER; MORGUE 390.26

390.26 REPEALER, EXTENT. All acts or parts of acts inconsistent with the provisions of Laws 1965, Chapter 761, Sections 1 to 5, are repealed and superseded by the provisions hereof but only to the extent of such inconsistencies. All acts or parts of acts pertaining to the salaries, fees, and expenses of coroners and their deputies and other employees or to the establishment and maintenance of morgues and not inconsistent with the provisions of Laws 1965, Chapter 761, Sections 1 to 5, shall continue to remain in force and effect.

[1965 c 761 s 7]