

# MINNESOTA STATUTES 1978

5469

## CORONER; MORGUE; INVESTIGATION OF DEATH 390.01

### CHAPTER 390

#### CORONER; MORGUE; INVESTIGATION OF DEATH

Sec.		Sec.	
390.005	Election or appointment, qualifications; vested rights; vacancies.	390.19	Witness bound over; return.
390.006	Hennepin county, application.	390.20	Person charged arrested.
390.01	Bond.	390.21	Burial.
390.04	To act when sheriff a party to an action.	390.23	Certificates of death.
390.05	Deputies.	390.24	Expenses.
390.06	Public morgue.	390.25	Fingerprinting of unidentified deceased person.
390.07	Morgue maintenance.	390.26	Repealer, extent.
390.11	Investigations and inquests.	390.31	Simplified investigations of death.
390.111	Expenses.	390.32	Authority to conduct proceedings.
390.15	Witnesses; fees.	390.33	Appointment of medical examiner; manner of conducting proceedings.
390.16	Oath of witnesses.	390.34	Qualified county coroner; application of sections 390.31 to 390.35.
390.17	Testimony; filing; certificate of no inquest.	390.35	Election to follow simplified investigation.

**390.005 ELECTION OR APPOINTMENT, QUALIFICATIONS; VESTED RIGHTS; VACANCIES.** Subdivision 1. A coroner shall be elected in each county as prescribed by 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 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 state 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 county recorder.

[ RL s 583; 1973 c 524 s 8; 1976 c 181 s 2 ] (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.

[ *RL 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 county recorder. Each deputy shall act in his own name as deputy coroner and hold his office during the pleasure of the coroner.

[ *RL s 598; 1945 c 144 s 1; 1976 c 181 s 2* ]

**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.

[ *RL s 435;*  ] (727)

NOTE: Section 390.06 is not applicable to Ramsey county. See Laws 1974, Chapter 435, Article 7, Section 1.

**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.

[ *RL s 436;*  ] (728)

NOTE: Section 390.07 is not applicable to Ramsey county. See Laws 1974, Chapter 435, Article 7, Section 1.

**390.08** [ Repealed, 1969 c 79 s 11 ]

**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

# MINNESOTA STATUTES 1978

5471

## CORONER; MORGUE; INVESTIGATION OF DEATH 390.17

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.

[ *RL 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 this chapter, 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 has been served with a subpoena in behalf of the state in a criminal case before a justice of the peace.

[ *RL 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."

[ *RL 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 in-

quest, 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.

[ *RL 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.

[ *RL 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.

[ *RL 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.

[ *RL s 597* ] (956)

**390.22** [ Repealed, 1975 c 39 s 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 willful 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 section 525.393.

[ *1955 c 268 s 1,2* ]

**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* ]

# MINNESOTA STATUTES 1978

5473

CORONER; MORGUE; INVESTIGATION OF DEATH 390.32

## **390.31 SIMPLIFIED INVESTIGATIONS OF DEATH.** Subdivision 1. **Purpose.**

It is the purpose of sections 390.31 to 390.35 to provide a simplified system for the investigation of the death of any person when the county attorney determines that such an investigation is necessary and to provide professional assistance to those making such investigation. To this end it is declared to be in the public interest for medical doctors to conduct the medical investigations deemed necessary, under the supervision of the county attorney and, if a trial proceeding is deemed necessary, that it be held in a court of record.

Subd. 2. **Jury fees.** Each juror sworn in any action pending in a justice court, or before any sheriff on a writ of inquiry, shall receive \$3, to be paid, in the first instance in all civil actions, by the party calling for such jurors.

Subd. 3. **Disqualification of sheriff.** 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 county attorney, 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.

[ 1971 c 367 s 1 ]

**390.32 AUTHORITY TO CONDUCT PROCEEDINGS.** Subdivision 1. **Investigations and inquests.** The sheriff shall investigate and may recommend to the medical examiner and the county attorney the conduct of inquests and autopsies 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).

The sheriff shall report all such deaths to the medical examiner and the county attorney.

Subd. 2. **Violent or mysterious deaths; autopsies.** The medical examiner 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 medical examiner the public interest requires an autopsy.

Subd. 3. **Other deaths; autopsies; exhumation.** In addition the medical examiner 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 medical examiner 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 medical examiner 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. **Medical specialists.** Should the medical examiner deem it advisable to engage the services of medical specialists, including but not limited to pathologists and toxicologists, he shall apply to the probate judge, and upon reasonable cause being shown therefor the probate judge shall authorize the medical examiner to engage such medical specialists and provide for the payment of their fees and expenses, such costs to be paid by the county treasurer upon receipt of a certificate thereof from the probate judge.

Subd. 5. **Records of investigation.** The sheriff 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. 6. **Report of deaths.** All deaths of the types described in this section shall be promptly reported for investigation to the sheriff by the attending physician, mortician, person in charge of the public institutions referred to in subdivision 1, or other person having knowledge thereof.

Subd. 7. **Custody of body.** Upon notification of such a death the sheriff 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. 8. **Report of investigation.** The sheriff shall deliver a signed copy of his report of investigation to the county attorney and the medical examiner.

Subd. 9. **Inquest procedure.** Should the county attorney elect to conduct an inquest, he shall promptly notify the probate judge of the necessity for an inquest and to make all arrangements therefor. At such inquest, the probate judge shall preside and the county attorney shall conduct the inquest on behalf of the state. Upon conclusion of the inquest, the probate judge shall find the cause of death and sign and file a death certificate. The probate judge, upon application of the county attorney, may issue subpoenas for witnesses in the manner provided by Minnesota Statutes 1969, Section 390.15, and the probate judge shall administer the oath to them in the manner provided by Minnesota Statutes 1969, Section 390.16.

Subd. 10. **No inquest conducted.** Should the county attorney elect not to conduct an inquest, he shall so inform the medical examiner who shall thereupon find the cause of death and sign and file a death certificate.

[ 1971 c 367 s 2 ]

**390.33 APPOINTMENT OF MEDICAL EXAMINER; MANNER OF CONDUCTING PROCEEDINGS.** Subdivision 1. The county board of any county shall appoint a permanent county medical examiner who shall be a doctor of medicine or osteopathy licensed to practice pursuant to chapter 147, or similar laws in any other state. Such county medical examiner shall perform all the duties imposed upon medical examiners by sections 390.31 to 390.35 and shall serve at the pleasure of the county board. The county board shall pay such medical examiner a salary to be determined by the board and shall provide for the payment of such medical examiner's expenses incurred in the performance of his duties.

Subd. 2. The probate judge 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 sheriff, 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.

Subd. 3. The following oath shall be administered to the witnesses by the probate judge: "You do solemnly swear that the evidence you shall give to this inquest concerning the death under investigation shall be the whole truth and nothing but the truth: So help you God."

Subd. 4. The testimony of the inquest and all records of the proceedings had before the probate judge shall be kept and maintained as a permanent record of the probate court. The record, or any portion thereof, shall be transcribed upon order of the probate court and shall be transcribed upon the request of any witness who shall tender to the county treasurer the cost of such transcript or portion thereof as determined by the probate judge. 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.

Subd. 5. If the probate judge 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.

Subd. 6. If any person charged by the inquest with having committed such offense is not in custody, the probate judge shall have the same power as a justice of the peace to issue process for his apprehension; and such warrant shall be made re-

# MINNESOTA STATUTES 1978

5475

## CORONER; MORGUE; INVESTIGATION OF DEATH 390.35

turnable 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.

Subd. 7. It shall be unlawful for any person, other than the medical examiner or the judge of probate, 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.

Subd. 8. Each sheriff shall cause to be fingerprinted all deceased persons in his county whose identity is not immediately established. Within 24 hours thereafter the sheriff 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. 9. Any duty of the coroner imposed by law prior to May 18, 1971 and not transferred by sections 390.31 to 390.35 or some other provision of law, is transferred to the medical examiner of the county in which such coroner was elected or appointed.

[ 1971 c 367 s 3 ]

**390.34 QUALIFIED COUNTY CORONER; APPLICATION OF SECTIONS 390.31 TO 390.35.** Sections 390.31 to 390.35 shall not apply in any county in which there is a person whom the county board deems qualified who will agree to seek election to the office of coroner or who will accept appointment to such office in counties where the coroner is appointed. In no case shall sections 390.31 to 390.35 be effective as to any county until they have been approved by the board of such county.

[ 1971 c 367 s 4 ]

**390.35 ELECTION TO FOLLOW SIMPLIFIED INVESTIGATION.** Sections 390.31 to 390.35 apply only to those counties in which the county board elects to be bound by its provisions in lieu of any other law relating to coroners.

[ 1971 c 367 s 5 ]