

No. 264, A.]

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CHAPTER 128

AN ACT to amend 966.01, 966.11 and 966.121; and to create 966.20 (3) of the statutes, relating to the taking of specimens and body fluids under certain conditions.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 966.01 of the statutes is amended to read:

966.01 Whenever the district attorney has notice of the death of any person and from the circumstances surrounding the same there is * * * any reason to believe that murder, manslaughter, homicide resulting from negligent control of vicious animal, homicide by reckless conduct, homicide by negligent use of vehicle or firearm, or homicide by intoxicated user of vehicle or firearm * * * *may have been committed, or that death may have been due to self-murder or unexplained or suspicious circumstances,* and the venue of such offense is in his county, *excepting in cases where a criminal warrant or warrants have been issued,* he shall forthwith order and require the coroner, deputy coroner, or in the event of the absence

or disability of the coroner or deputy coroner, some justice of the peace to take an inquest as to how such person came to his death. In any inquest ordered by the district attorney he shall appear in the inquest representing the state in presenting the evidence. For the purpose of taking such inquest deputy coroners may perform all the duties and exercise all the jurisdiction and powers conferred upon such coroners by this chapter and shall be entitled to the same fees as such coroner for the performance of like duties, except as hereinafter provided. Nothing herein contained shall be construed as preventing such coroner from holding an inquest under the circumstances herein above specified without being first notified by the district attorney so to hold such inquest. Such inquest may be held in any county, if within this state, in which there would be venue for the trial of the offense.

SECTION 2. 966.11 of the statutes is amended to read:

966.11 If the * * * coroner finds that any murder, manslaughter, homicide by reckless conduct or battery has been committed upon the deceased, the coroner shall bind over, by recognizance, such witnesses as he thinks necessary to appear and testify at the next court to be held in the same county at which an indictment for such offense may be found or an information filed; and he shall also return to the same court the requisition, written evidence and all recognizances and examinations by him taken, and may commit to the jail of the county any witness who refuses to recognize in such manner as he directs.

SECTION 3. 966.121 of the statutes is amended to read:

966.121 The coroner shall have the authority to conduct an autopsy or order the conducting of an autopsy upon the body of a dead person any place within the state * * * *and to disinter the body if necessary* in cases where a coroner's inquest might be had as provided in s. 966.01 notwithstanding that no such inquest is ordered or had.

SECTION 4. 966.20 (3) of the statutes is created to read:

966.20 (3) In all cases of death reportable under sub. (1) where an autopsy is not performed, the coroner shall have the authority to take for analysis any and all specimens, body fluids and any other material which will assist the coroner in learning and determining the cause of death. The specimens, body fluids and other material taken by the coroner under this subsection shall not be admissible in evidence in any civil action against the deceased or his estate, as the result of any act of the deceased.

Approved May 22, 1957.
