

No. 36, S.]

[Published June 4, 1943.]

CHAPTER 247.

AN ACT to amend 59.34 (1), 59.35 (1), (3) and (4), 366.15 to 366.18; to repeal and recreate 59.35 (2); and to create 59.365 (4) and 366.19 (5) of the statutes, relating to coroners, inquests of the dead, and creating the office of medical examiner in counties of 500,000 or more.

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

SECTION 1. 59.34 (1) of the statutes is amended to read:

59.34 (1) Take inquest of the dead when required by law, *except that in counties having a population of 500,000 or more such duty and the powers incident thereto shall be vested exclusively in the office of medical examiner hereby created. Such office shall be filled and occupied for a term of 4 years and until a successor shall have been appointed and qualified pursuant to sections 16.31 to 16.44. Appointment to such office shall be made by the county board of supervisors. Reappointments shall be made in the same manner in the month preceding the expiration of such 4 year term. Such office may be occupied on a full or part-time basis and shall be paid such compensation as the county board of supervisors of such county may by ordinance provide. The medical examiner may appoint such assistants as the county board shall authorize. Whenever requested by the court or district attorney, the medical examiner shall testify to facts and conclusions disclosed by autopsies performed by him, at his direction, or in his presence; shall make physical examinations and tests incident to any matter of a criminal nature up for consideration before either court or district attorney when requested so to do; shall testify as an expert for either such court or the state in all matters where such examinations or tests have been made, and perform such other duties of a pathological or medico-legal nature as may be required; and without fees or compensation other than the salary provided.*

SECTION 2. 59.35 (1) of the statutes is amended to read:

59.35 (1) The coroner of every county having a population of * * * 500,000 or more, * * * the medical examiner and his assistants, shall be compensated for the performance of all their official duties by salaries fixed by the county board of supervisors, which shall be in lieu of any other compensation.

SECTION 3. 59.35 (2) of the statutes is repealed and recreated to read:

59.35 (2) In any such county the medical examiner provided by section 59.34 (1) shall exercise all of the powers and perform all of the duties of the coroner in the event of his absence or disability, or in the event of a vacancy in said office, until such vacancy shall have been filled; except that such medical examiner shall not be subject to the direction, supervision or control of said coroner in the exercise of any of the powers or the performance of any of the duties defined by section 59.34 (1).

SECTION 4. 59.35 (3) and (4) of the statutes are amended to read:

59.35 (3) The county board of any such county at its annual meeting next preceding the general election of county officers, shall fix the * * * *salary* of the coroner to be elected at such election * * *

(4) *In any such county * * * the medical examiner and his assistants * * ** shall have all the powers of a constable or sheriff to serve subpoenas requiring the attendance of witnesses at any inquest to be held by * * * *such medical examiner*, or other orders or writs.

SECTION 5. 59.365 (4) of the statutes is created to read:

59.365 (4) Whenever a medical examiner has been appointed in counties having a population of 500,000 or more as provided in section 59.34 (1), the provisions of this section shall not apply in such counties, nor shall the coroner of such counties be responsible for any default or misconduct in office of such medical examiner.

SECTION 6. 366.15 to 366.18 of the statutes are amended to read:

366.15 In each and every county whose inhabitants exceed in number * * * *500,000* all the duties mentioned in the foregoing sections of this chapter shall be performed by the * * * *medical examiner appointed pursuant to section 59.34 (1)*, who is hereby invested with the exclusive jurisdiction and power to take inquests therein, * * * and in case of the inability of the * * * *medical examiner* to attend to such duties * * * *the medical examiner may deputize one of his assistants to conduct the inquest.*

366.16 CORONER; MEDICAL EXAMINER ASSISTANTS; SALARIES; FEES; REPORT. Such coroner, * * * *medical examiner* and

* * * *medical examiner's* assistants authorized by the county board shall be paid *semimonthly* out of the county treasury of the proper county, for the performance of all their official duties and in lieu of all other compensation salaries to be fixed by the county board of such county. Such coroner, * * * *medical examiner*, and *medical examiner's* assistants * * * shall collect for all services which he or they may perform (except in cases where such county is solely liable therefor) all such fees as * * * *coroners are* by law entitled to receive, and shall keep accurate books of account in which shall be entered from day to day, the items of services rendered, the titles of the proceedings in which and the names of the persons for whom rendered, and the fees charged and received, and shall, at the end of every 3 months, render to the county board of such county and to the county treasurer an accurate report or statement verified by his oath, of all fees and income collected by * * * *them* or for * * * *them* during such 3 months and also of all the expenses of * * * *the* coroner's office during the same time; and at the same time * * * *they* shall pay to the treasurer of such county all such fees and income of every kind, collected by * * * *them or any of them*, or which * * * *they were* entitled by law to charge or receive, not theretofore paid to the said treasurer.

366.17 It shall be the duty of the county board of such county to provide for the use of such coroner *and for the medical examiner* * * * suitable offices * * * at the county seat of the county, and it shall be the duty of such * * * *medical examiner* to keep in his said office proper books containing records of all inquests by him held, setting forth the time and place of holding such inquests and the names of the jurors serving thereon, together with a brief statement of the proceedings thereof.

316.18 CORONER'S AND MEDICAL EXAMINER'S BONDS. Before entering upon the duties of his office * * * *the coroner and the medical examiner* of such county shall *each* deliver to the * * * *county clerk* thereof a bond, subscribed by 2 or more sufficient sureties, in such penal sum as the county board may determine, conditioned for the faithful performance of all his official duties as set forth in this chapter and that he will faithfully account for and pay to the treasurer of said county all moneys which may come to his hands belonging to said county,

and which by virtue of this chapter he is required to account for and pay as aforesaid.

SECTION 7. 366.19 (5) of the statutes is created to read:

366.19 (5) In counties having a population of 500,000 or more all the powers and duties granted to or imposed upon the coroner or his deputy in this section are vested in the medical examiner created by section 59.34 (1), except that said medical examiner shall not be entitled to the fees provided by subsection (4).

Approved June 3, 1943.

No. 159, S.]

[Published June 4, 1943.]

CHAPTER 248.

AN ACT to create 210.05 (19) of the statutes, relating to the life fund and military service.

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

210.05 (19) of the statutes is created to read:

210.05 (19) The Life Fund of the State of Wisconsin shall be deemed an insurer under Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940 (Public # 861-76th Congress) and amendments thereto or reenactment thereof, and the commissioner of insurance is hereby directed to assent to modifications required with respect to any policy certified for benefits as therein provided, any provision of the statutes to the contrary notwithstanding. This subsection shall remain in force concurrently with said act of Congress and amendments thereto or reenactments thereof.

Approved June 3, 1943.