



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-2766/1

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**2007 BILL**

D note

1     **AN ACT to repeal** 69.18 (4) (bm), 979.01 (3), 979.01 (3m), 979.03 and 979.10 (3);  
2     **to renumber** 69.18 (4) (a) 1. to 6. and 979.10 (1) (c); **to renumber and amend**  
3     69.18 (4) (a) (intro.), 157.02 (1), (2), (3), (4) and (5), 979.01 (2), 979.01 (4), 979.02  
4     and 979.10 (1) (a) 1., 2. and 3.; **to amend** 59.34 (1) (a), 69.01 (12), 69.18 (2) (d)  
5     1., 69.18 (3) (a), 69.20 (2) (a) 2., 157.03 (1), 157.03 (2), 157.055 (2) (intro.), 346.71  
6     (2), 440.78 (1) (b), 979.01 (title), 979.01 (1) (intro.), 979.01 (1) (a), 979.01 (1) (d),  
7     979.01 (1) (e), 979.01 (1) (g), 979.01 (1) (i), 979.01 (1m), 979.01 (1r), 979.015,  
8     979.02 (title), 979.025 (title), 979.025 (1), 979.025 (2), 979.025 (3), 979.04,  
9     979.05 (2), (3), (4), (5) and (6), 979.06 (1), (2) and (4), 979.07 (1) (a), 979.08 (1),  
10     979.08 (5), 979.08 (6), 979.08 (7), 979.09, 979.10 (1) (a) (intro.), 979.10 (1) (b),  
11     979.10 (2), 979.10 (4), 979.11 and 979.22; **to repeal and recreate** 979.01 (1) (b),  
12     979.01 (1) (c), 979.01 (1) (f), 979.01 (1) (h) and 979.01 (1g); and **to create** 15.255  
13     (3), 17.103, 51.30 (4) (b) 28., 59.34 (1) (cm), 59.35 (3m), 59.38 (3m), 69.18 (4) (am)  
14     (intro.), 69.18 (4) (b), 69.18 (4) (d), 69.18 (4) (e), 69.18 (4) (f), 157.02 (1m) (title),

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1 157.02 (2m), 157.113 (title), 165.50 (4), 165.65, 979.001, 979.01 (1) (j) to (p),  
 2 979.01 (1i), 979.01 (1k), 979.01 (1p), 979.01 (2) (b), 979.017, 979.02 (2) to (7),  
 3 979.027, 979.032, 979.034, 979.036, 979.038, 979.10 (1) (a) 1m. and 2m., 979.10  
 4 (1) (d), 979.10 (5) and 979.10 (6) of the statutes; **relating to:** reporting deaths,  
 5 death investigations and other duties of coroners and medical examiners, ✓  
 6 inquests, disposition of bodies, training and testing requirements for coroners  
 7 and medical examiners, and requiring the exercise of rule-making authority.

***Analysis by the Legislative Reference Bureau***

Under current law, coroners or medical examiners investigate certain deaths. In a county with a population of 500,000 or more, and in any county that has instituted a medical examiner system, a medical examiner appointed by the county board is responsible for death investigations. In all other counties, the coroner, who is an elected constitutional officer, is responsible for death investigations. ✓

***Reporting Deaths***

Under current law, any person who has knowledge of certain deaths must report the death to the sheriff, police chief, or medical examiner or coroner for the locality in which the death occurred. The following types of deaths must be reported: a death that involves unexplained, unusual, or suspicious circumstances; a homicide or suicide; a death following an accident; a death that is due to poisoning; a death following an abortion; a death for which a physician or spiritual advisor did not attend the deceased within 30 days before death; a death for which a physician refuses to sign the death certificate or for which a physician cannot timely be obtained to sign the medical certification that is required for a death certificate. A sheriff or police chief who is notified of such a death must notify the coroner or medical examiner of the death, and the coroner or medical examiner must notify the district attorney. Any person who fails to report a death as required is subject to a fine not to exceed \$1,000 or imprisonment for not more than 90 days. ✓

This bill requires that if a death must be reported, any person who has knowledge of the death must report it to the coroner or medical examiner and may, in addition, report it to a law enforcement officer. ✓

The bill requires reporting of the following additional types of deaths: a death for which injury may be a contributing cause; a death of a person who is in the custody of a law enforcement officer or under active pursuit by a law enforcement officer, or that otherwise involves a law enforcement officer; a death of a person who is confined in a federal prison, state prison, jail, juvenile facility, or otherwise confined by the Department of Corrections or a sheriff; a death of an individual who is detained or institutionalized in connection with a civil commitment, preliminary proceedings for civil commitment, or criminal trial competency proceedings; the death of an

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individual receiving emergency care at a hospital or other medical facility; a death associated with medical error; a death associated with abuse of a chemical substance that may be legally used or with use of a controlled substance; a death associated with an epidemic, a pandemic, or the spread of a dangerous communicable disease; when human remains are discovered outside a cemetery; and any other death that the coroner or medical examiner in a written policy requires reported. In addition, the bill clarifies that the requirement to report a death associated with an abortion applies to the death of a woman. Also, the bill provides that a death of an individual who was not under the care of a physician for the illness or condition that caused death must be reported regardless of whether the person was attended by a spiritual adviser.

The bill provides that the penalty for failure by a partnership, association, organization, institution, or body politic or corporate to report a death for which reporting is required is a fine of not more than \$10,000, imprisonment for not more than 90 days, or both.

***Jurisdiction to investigate death and notifications***

The bill assigns jurisdiction to investigate a death to the coroner or medical examiner in the county in which occurred the crime, injury, or other event that caused the death. However, if it cannot be determined where the event that caused the death occurred, or if the death occurred outside the state, the coroner or medical examiner in the county in which death was pronounced has jurisdiction to investigate. The bill provides that the coroner or medical examiner who has jurisdiction to investigate a death has custody of the deceased's body and prohibits any person from moving the body at or from a death scene without authorization from the coroner or medical examiner. The bill requires a coroner or examiner who receives notice of a death to notify the deceased's next of kin. The bill provides that a coroner or medical examiner need not notify the district attorney of certain types of reported deaths if the district attorney has waived notice in writing.

***Autopsies and other diagnostic procedures***

Currently, a coroner, medical examiner, or district attorney may order an autopsy conducted on a body if there is reason to believe that the death resulted from a homicide or certain other crimes or suicide, or occurred under unexplained or suspicious circumstances. A coroner or medical examiner must order an autopsy on any person who dies while confined in a correctional facility in this state. If a child who is under two years of age dies unexpectedly or under circumstances indicating sudden infant death syndrome, the coroner or medical examiner must order an autopsy unless the parent or guardian in writing requests that an autopsy not be performed. If the autopsy reveals that sudden infant death syndrome is the cause of death, that cause shall be stated in the autopsy report. Autopsies ordered by a coroner, medical examiner, or district attorney must be conducted by a physician who has specialized training in pathology. No person may perform an autopsy on the body of a person whose death must be reported without obtaining written authorization from the coroner or medical examiner.

Under current law, if an autopsy is not performed in connection with a death that must be reported, the coroner or medical examiner may take specimens from the

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body for analysis to assist in determining the cause of death. The coroner or medical examiner shall take specimens for analysis in such cases if requested to do so by the spouse, parent, child, or sibling of the deceased.

The bill requires a coroner or medical examiner to order an autopsy for the following deaths: a death that likely resulted from a crime; a death of a person under 18 years of age that is unusual or unexplained; a death of a person who is in the custody of a law enforcement officer or under active pursuit by a law enforcement officer, or that otherwise involves a law enforcement officer; a death of a person who is confined in federal prison, a jail, or otherwise confined by a sheriff; and a death of a person who is detained or institutionalized in connection with a civil commitment, preliminary proceedings for civil commitment, or criminal trial competency proceedings. The bill requires that these mandatory autopsies must be performed by a physician who has specialized training in pathology and advanced forensic training. The bill removes the authority of a district attorney to order an autopsy. Instead, if a coroner or medical examiner does not order an autopsy in the case of a death that must be reported, the district attorney or attorney general may obtain a court order for an autopsy. The bill repeals the requirement that a coroner or medical examiner, in cases where a death must be reported, must take specimens from a deceased's body upon request of the deceased's spouse, parent, child, or sibling. Under the bill, if a coroner or medical examiner does not order an autopsy for a death that must be reported, the bill requires the coroner or medical examiner to inform the deceased's representative that the representative may independently contract for pathology related services. Finally, the bill repeals the requirement that, when applicable, coroners and medical examiners cite sudden infant death syndrome as the cause of death in an autopsy report.

***Investigation records and handling of personal property***

The bill requires that each coroner or medical examiner keep records of each death investigation and specifies the contents of the records. The bill further requires that the coroner or medical examiner keep death investigation records in an office that is owned or leased by the county and designated as the office of the coroner or medical examiner.

The bill provides that records of autopsies and other diagnostic procedures are confidential. Under the bill, a coroner or medical examiner may release such records only to persons who have authority to access the deceased's health care records without informed consent, to the deceased's representative, or for educational purposes. The bill requires that a coroner or medical examiner keep all confidential records that are gathered for an investigation, such as health care records, confidential. At the request of a law enforcement agency investigating a death, a coroner or medical examiner must keep death investigation records and information related to an investigation confidential during the course of the investigation. The bill also requires that each coroner or medical examiner maintain written policies regarding access to death investigation records.

The bill requires a coroner or medical examiner to maintain an inventory of personal property that the coroner or medical examiner takes from a death scene or from a deceased. The bill specifies that the coroner or medical examiner must destroy

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or donate to a drug repository program any prescription medications that the coroner or medical examiner collects in an investigation and does not provide to a law enforcement agency.

**Disposition of bodies**

Under current law, the coroner or medical examiner's authorization is required for various activities related to the disposition of bodies. A coroner's or medical examiner's authorization is required to embalm the body of a person whose death must be reported. A coroner's or medical examiner's authorization is required for cremation of the body of any deceased person. Finally, a coroner or medical examiner must issue authorization to disinter and reinter a body upon an order of the court or at the request of various next of kin of the deceased or another person who has authority to dispose of the body.

Also under current law, if an inmate of state, county, or municipal institution dies, and a relative or friend of the deceased does not claim the body and a medical or mortuary school does not take the body, the superintendent of the institution must bury the body.

The bill clarifies that no person, other than a cemetery, may disinter a body or human remains without authorization from the coroner or medical examiner. The bill adds, as a condition for obtaining a coroner's or medical examiner's authorization for disinterment without a court order, that the person requesting authorization provide proof of intent to cremate or bury the disinterred remains. The bill eliminates the requirement that a coroner or medical examiner provide authorization to embalm a body within 12 hours of the request for such authorization or provide a written explanation for the delay.

This bill provides that if a person other than the superintendent of a state, county, or municipal institution has an unidentified or unclaimed body, the person shall notify the coroner or medical examiner, who must bury or cremate the body. The bill further provides that if the coroner or medical examiner makes reasonable efforts to identify a body and notify the deceased's representative of disposal of the body, the coroner or medical examiner is immune from civil liability for his or her choice of method for disposing of the body.

**Board on Medicolegal Investigations**

This bill creates a Board on Medicolegal Investigations that is attached to the Department of Justice and requires the Board to establish training and testing requirements for coroners, deputy coroners, medical examiners, and medical examiner assistants. The bill requires the Board on Medicolegal Investigations to notify the appropriate county board if a medical examiner does not satisfy the training and testing requirements, and to notify both the governor and the appropriate county board if a coroner does not satisfy the training and testing requirements. The bill provides that failure to satisfy the training or testing requirements constitutes cause for a county board to remove a medical examiner and cause for the governor to remove a coroner.

**Inquests**

Under current law, if there is reason to believe that a death resulted from criminal activity or occurred under other unexplained or suspicious circumstances,

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the district attorney in the county in which suspected criminal activity or other event that resulted in death occurred may order that an inquest be conducted. ✓ An inquest is a proceeding before a jury or judge at which witnesses may be called. ✓ The judge ✓ or jury must determine whether there is probable cause to believe that a death occurred as a result of a crime, and, if so, which crimes were committed and who may have committed them. ✓

The bill grants the attorney general the same authority that district attorneys currently have to order, and represent the state in, an inquest, if there is reason to believe that a death resulted from criminal activity or other unexplained or suspicious circumstances. ✓

***Other changes***

Under current law, a coroner or medical examiner may obtain a decedent's health care records without informed consent for the purpose of conducting a death investigation. ✓ This bill provides a coroner or medical examiner access to a decedent's mental health treatment records without informed consent for the purpose of conducting a death investigation. ✓

The bill requires a coroner or medical examiner to notify a grief counsellor of any reported death of a child who is under age two, provided there is no indication ✓ that the death was caused by a criminal act, and to notify the child's parents of the availability of grief counselling. ✓

Under current law, a cremation permit for a body of a deceased who died outside the state may be used only in the county in which it is issued. ✓ The bill allows such a permit to be used anywhere in the state. ✓

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill. ✓

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

1           **SECTION 1.** 15.255 (3) of the statutes is created to read:

2           15.255 (3) BOARD ON MEDICOLEGAL INVESTIGATIONS. There is created a board on  
3 medicolegal investigations that is attached to the department of justice under s.  
4 15.03 and that shall consist of the following members appointed for staggered 6-year  
5 terms:

6           (a) A coroner, a medical examiner, and a forensic pathologist, who are members  
7 of the Wisconsin Coroners and Medical Examiners Association. ✓

8           (b) A member of the Wisconsin Funeral Directors Association. ✓

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- 1 (c) A member of the Wisconsin District Attorney's Association.
- 2 (d) A member of the Wisconsin Sheriffs and Deputy Sheriffs Association.
- 3 (e) A member of the Wisconsin Chiefs of Police Association, Inc.
- 4 (f) A member of the Wisconsin Counties Association.
- 5 (g) The attorney general or his or her designee.
- 6 (h) The state public defender or his or her designee.

**SECTION 2.** 17.103 of the statutes is created to read:

**17.103 Cause to remove coroner or medical examiner.** Failure of a coroner to satisfy the testing and training requirements for coroners under s. 165.65 (1) constitutes cause for the governor to remove a coroner under s. 17.09 (5). Failure of a medical examiner to satisfy the testing or training requirements for medical examiners under s. 165.65 (1) constitutes cause for a county board to remove a medical examiner under s. 17.10 (2).

**SECTION 3.** 51.30 (4) (b) 28. of the statutes is created to read:

51.30 (4) (b) 28. To a medical examiner, assistant medical examiner, coroner, or assistant <sup>deputy</sup> coroner upon an oral or written request from that person, if the treatment records are relevant to completion of a medical certification under s. 69.18 (2) or to an investigation of the cause or manner of the patient's death under s. 979.01 or 979.10. A custodian of treatment records may initiate contact with a coroner or medical examiner to inform him or her of treatment records of a deceased patient that may be relevant to the completion of a medical certification or the investigation of a death. The recipient of any information under this subdivision shall keep the information confidential except as necessary to comply with s. 69.18, 979.01, or 979.10.

**SECTION 4.** 59.34 (1) (a) of the statutes is amended to read:

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1           59.34 (1) (a) Participate in inquest proceedings when required by law, except  
2 that in any county with a population of 500,000 or more and all counties which have  
3 instituted the medical examiner system this duty and the powers incident thereto  
4 shall be vested exclusively in the office of the medical examiner. Except as provided  
5 under s. 59.38 (5), the board shall appoint the medical examiner. The office may be  
6 occupied on a full-time or part-time basis and the officeholder shall be paid  
7 compensation as the board by ordinance provides. The duties performed by the  
8 county coroner and not vested in the medical examiner shall be performed by the  
9 clerk. The medical examiner may appoint such assistants as the board authorizes.  
10 Whenever requested by the court or district attorney, the medical examiner shall  
11 testify to facts and conclusions disclosed by autopsies performed by him or her, at his  
12 or her direction or in his or her presence; shall make physical examinations and tests  
13 incident to any matter of a criminal nature up for consideration before either the  
14 court or district attorney or attorney general upon request; shall testify as an expert  
15 for either the court or the state in all matters where the examinations or tests have  
16 been made; and shall perform such other duties of a pathological or medicolegal  
17 nature as may be required.

18           **SECTION 5.** 59.34 (1) (cm) of the statutes is created to read:

19           59.34 (1) (cm) Complete training and testing required by the board of  
20 medicolegal investigations under s. 165.65.

21           **SECTION 6.** 59.35 (3m) of the statutes is created to read:

22           59.35 (3m) A deputy coroner shall complete training and testing required by  
23 the board of medicolegal investigations under s. 165.65.

24           **SECTION 7.** 59.38 (3m) of the statutes is created to read:



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1           59.38 (3m) TRAINING AND TESTING. The medical examiner and his or her  
2 assistants shall complete training and testing required by the board of medicolegal  
3 investigations under s. 165.65.

4           **SECTION 8.** 69.01 (12) of the statutes is amended to read:

5           69.01 (12) "Final disposition" means the disposition of a corpse or stillbirth by  
6 burial, interment, entombment, cremation, delivery to a university or school under  
7 s. 157.02 (3) (1m) (c) or delivery to a medical or dental school anatomy department  
8 under s. 157.06. "Final disposition" does not include disposition of the ashes  
9 produced by cremation of a corpse or stillbirth.

10          **SECTION 9.** 69.18 (2) (d) 1. of the statutes is amended to read:

11          69.18 (2) (d) 1. Except as provided under par. (e), if a death is the subject of a  
12 coroner's or medical examiner's determination under s. 979.01 or 979.03, the coroner  
13 or medical examiner or a physician supervised by a coroner or medical examiner in  
14 the county where the event which caused the death occurred shall complete and sign  
15 the medical certification for the death and mail the death certificate within 5 days  
16 after the pronouncement of death or present the certificate to the person responsible  
17 for filing the death certificate under sub. (1) within 6 days after the pronouncement  
18 of death.

19          **SECTION 10.** 69.18 (3) (a) of the statutes is amended to read:

20          69.18 (3) (a) Except as provided under par. (c) or (e), the person who has moved  
21 a corpse under sub. (1) (a) shall complete a report for final disposition, on a form  
22 supplied by the state registrar, and, within 24 hours after being notified of the death,  
23 mail or present a copy of the report to the coroner or medical examiner in the county  
24 of the place of death and mail or present a copy to the local registrar in the  
25 registration district of the place of death. If the cause of death is subject to an

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1 investigation under s. 979.01 <sup>✓</sup> or ~~979.03~~, the report for final disposition shall be  
2 submitted to the coroner or medical examiner in the county in which the event which  
3 caused the death occurred.

4 **SECTION 11.** 69.18 (4) (a) (intro.) of the statutes is renumbered 69.18 (4) (c) and  
5 amended to read:

6 69.18 (4) (c) Subject to s. 157.111, the coroner or medical examiner of the county  
7 in which a decedent's corpse is interred shall issue ~~an authorization~~ <sup>✓</sup> a permit for  
8 disinterment and reinterment upon receipt of an order of a court of competent  
9 jurisdiction ~~or upon receipt of a written application for disinterment and reinterment~~  
10 ~~signed by the person in charge of the disinterment and by any of the following~~  
11 ~~persons, in order of priority stated, when persons in prior classes are not available~~  
12 ~~at the time of application, and in the absence of actual notice of contrary indications~~  
13 ~~by the decedent or actual notice of opposition by a member of the same or a prior~~  
14 ~~class.~~ <sup>✓</sup>

15 **SECTION 12.** 69.18 (4) (a) 1. to 6. of the statutes are renumbered 69.18 (4) (am)  
16 1. to 6.

17 **SECTION 13.** 69.18 (4) (am) (intro.) of the statutes is created to read:

18 69.18 (4) (am) (intro.) In this subsection, <sup>✓</sup> "decedent's representative" means  
19 any member of the following classes of individuals, in the order of priority listed:

20 **SECTION 14.** 69.18 (4) (b) of the statutes is created to read:

21 69.18 (4) (b) Except as provided in s. 157.112 (3), <sup>✓</sup> no person may disinter a  
22 human corpse from a grave or tomb without first obtaining a disinterment permit  
23 under par. (c) <sup>✓</sup> or (d) <sup>✓</sup>.

24 **SECTION 15.** 69.18 (4) (bm) of the statutes is repealed.

25 **SECTION 16.** 69.18 (4) (d) of the statutes is created to read:

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1           69.18 (4) (d) Subject to s. 157.111, the coroner or medical examiner of the county  
2 in which a decedent's corpse is interred shall issue a disinterment permit upon  
3 receipt of a written application for disinterment that is made and signed by a  
4 decedent's representative and signed by the person in charge of disinterment if all  
5 of the following apply:

6           1. No decedent's representative who is of a member of prior class under par.  
7 (am) is available at the time the application is made.

8           2. The coroner or medical examiner does not have actual notice that the  
9 deceased would have opposed the disinterment.

10           3. The coroner or medical examiner does not have actual notice of opposition  
11 to disinterment by a decedent's representative who is a member of the same or a prior  
12 class under par. (am) as the applicant.

13           4. The applicant provides proof of intent to cremate the decedent's corpse or to  
14 lawfully inter the decedent's corpse in a specified burial place.

15           **SECTION 17.** 69.18 (4) (e) of the statutes is created to read:

16           69.18 (4) (e) No person may cremate a corpse disinterred under this section  
17 without obtaining a cremation release under s. 979.10 (1) (ag).

18           **SECTION 18.** 69.18 (4) (f) of the statutes is created to read:

19           69.18 (4) (f) Except as provided in s. 157.112 (3), no person may disinter a  
20 decedent's cremated remains from a cemetery unless all of the following conditions  
21 are satisfied:

22           1. The cemetery authority, or its designee, consents to disinterment.

23           2. A decedent's representative consents to disinterment and no other decedent's  
24 representative who is a member of the same or a prior class under par. (am) objects  
25 to disinterment.

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1           **SECTION 19.** 69.20 (2) (a) 2. of the statutes is amended to read:

2           69.20 (2) (a) 2. For a certificate of death, any of the persons specified under s.  
3           69.18 (4) (a) ~~(a)~~ <sup>✓</sup>(am) 1. to 6. or an individual who is authorized in writing by one of the  
4           persons.

5           **SECTION 20.** 157.02 (1), (2), (3), (4) and (5) of the statutes are renumbered  
6           157.02 (1m) (a), (b), (c), (d) and (e), and 157.02 (1m) (b) and (e), as renumbered, are  
7           amended to read:

8           157.02 (1m) (b) *Time allowed relative to act.* If a relative or friend fails to  
9           arrange for taking charge of the corpse within a reasonable time after death, the  
10          superintendent or other officer may proceed as provided in this section ~~section~~ <sup>✓</sup>subsection,  
11          but relatives or friends may claim the corpse at any time before it has been delivered  
12          pursuant to sub. ~~(3)~~ <sup>✓</sup>par. (c).

13          (e) *Other disposition.* If the corpse is not disposed of under subs. ~~(1) to (4)~~ <sup>✓</sup>pars.  
14          ~~(a) to (d)~~, the superintendent or public officer shall properly bury it.

15          **SECTION 21.** 157.02 (1m) (title) of the statutes is created to read:

16          157.02 (1m) (title) DISPOSITION OF INMATE'S REMAINS.

17          **SECTION 22.** 157.02 (2m) of the statutes is created to read:

18          157.02 (2m) DISPOSITION OF OTHER UNCLAIMED REMAINS. (a) If a person, other  
19          than a person who has responsibility to dispose of a corpse under sub. <sup>✓</sup>(1m), has the  
20          corpse of a deceased individual and cannot by exercise of reasonable effort locate the  
21          deceased's representative, as defined in s. <sup>✓</sup>979.001 (1), or the deceased's  
22          representative refuses to claim the corpse for disposition, the person shall notify the  
23          coroner or medical examiner in the county in which the corpse is located, and the  
24          coroner or medical examiner shall take custody of the corpse and cause the corpse  
25          to be decently buried or cremated.

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1 (b) A coroner or medical is immune from civil liability for his or her choice of  
2 method for disposing of an unidentified corpse under this subsection if the coroner  
3 or medical examiner made reasonable efforts to identify the corpse. A coroner or  
4 medical examiner is immune from civil liability for his or her choice of method for  
5 disposing of an unclaimed corpse under this subsection if the coroner or medical  
6 examiner made reasonable efforts to notify the deceased's representative of the  
7 disposal of the corpse.

8 **SECTION 23.** 157.03 (1) of the statutes is amended to read:

9 157.03 (1) The corpse of a person who died with smallpox, diphtheria, or scarlet  
10 fever, or who in his or her last sickness shall request to be buried or cremated, and  
11 of a stranger or traveler who suddenly died, shall not be disposed of under s. 157.02  
12 (3) (1m) (c), and no person having charge of a corpse authorized to be so disposed of  
13 shall sell or deliver it to be used outside the state.

14 **SECTION 24.** 157.03 (2) of the statutes is amended to read:

15 157.03 (2) Upon receipt of the corpse by a university or school pursuant to s.  
16 157.02 (3) (1m) (c) it shall be properly embalmed and retained for 3 months before  
17 being used or dismembered and shall be delivered to any relative claiming it upon  
18 satisfactory proof of relationship.

19 **SECTION 25.** 157.055 (2) (intro.) of the statutes is amended to read:

20 157.055 (2) (intro.) Notwithstanding ss. 69.18 (4), 157.113, 445.04 (2), 445.14,  
21 979.01 (3), (3m), and (4), 979.02, and 979.025 (2), 979.027, 979.10, and 979.105, and  
22 subch. VI of ch. 440, during a period of a state of emergency related to public health  
23 declared by the governor under s. 166.03 (1) (b) 1., a public health authority may do  
24 all of the following:

25 **SECTION 26.** 157.113 (title) of the statutes is created to read:

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1           **157.113** (title) **Permission required to deposit cremated remains in**  
2 **cemetery.**

3           **SECTION 27.** 165.50 (4) of the statutes is created to read:

4           165.50 (4) The attorney general may order and represent the state in an  
5 inquest as provided under s. 979.04 (1) or may order a preliminary investigation into  
6 a death as provided under s. 979.04 (3).

7           **SECTION 28.** 165.65 of the statutes is created to read:

8           **165.65 Board on medicolegal investigations.** The board on medicolegal  
9 investigations shall do all of the following:

10           (1) Promulgate rules establishing testing and training requirements for  
11 coroners, deputy coroners, medical examiners, and medical examiners' assistants. ✓

12           (2) If a coroner does not satisfy the testing and training requirements for  
13 coroners under sub. (1), notify the governor and the appropriate county board.

14           (3) If a medical examiner does not satisfy the training and testing requirement  
15 for medical examiners under sub. (1), notify the appropriate county board.

16           **SECTION 29.** 346.71 (2) of the statutes is amended to read:

17           346.71 (2) In cases of death involving a motor vehicle in which the decedent was  
18 the operator of a motor vehicle, a pedestrian 14 years of age or older or a bicycle or  
19 electric personal assistive mobility device operator 14 years of age or older and who  
20 died within 6 hours of the time of the accident, the coroner or medical examiner of  
21 the county where the death occurred shall require that a blood specimen of at least  
22 10 cc. be withdrawn from the body of the decedent within 12 hours after his or her  
23 death, by the coroner or medical examiner or by a physician so designated by the  
24 coroner or medical examiner or by a qualified person at the direction of the physician.  
25 All funeral directors shall obtain a release from the coroner or medical examiner of

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1 the county where the accident occurred as provided in s. ~~979.01(4)~~ <sup>✓</sup> 979.105 prior to  
2 proceeding with embalming any body coming under the scope of this section. The  
3 blood so drawn shall be forwarded to a laboratory approved by the department of  
4 health and family services for analysis of the alcoholic content of the blood specimen.  
5 The coroner or medical examiner causing the blood to be withdrawn shall be notified  
6 of the results of each analysis made and shall forward the results of each such  
7 analysis to the department of health and family services. If the death involved a  
8 motor vehicle, the department shall keep a record of all such examinations to be used  
9 for statistical purposes only and the department shall disseminate and make public  
10 the cumulative results of the examinations without identifying the individuals  
11 involved. If the death involved an all-terrain vehicle, the department of natural  
12 resources shall keep a record of all such examinations to be used for statistical  
13 purposes only and the department of natural resources shall disseminate and make  
14 public the cumulative results of the examinations without identifying the  
15 individuals involved.

16 **SECTION 30.** 440.78 (1) (b) of the statutes is amended to read:

17 440.78 (1) (b) A copy of the cremation ~~permit~~ <sup>✓</sup> release issued under s. 979.10 (1)

18 (a) <sup>✓</sup> (ag).

19 **SECTION 31.** 979.001 of the statutes is created to read:

20 **979.001 Definitions.** In this chapter:

21 <sup>✓</sup> (1) "Deceased's representative" means any member of the following classes of  
22 individuals, in the order of priority listed:

23 <sup>✓</sup> (a) The deceased's spouse.

24 <sup>✓</sup> (b) An adult son or daughter of the deceased.

25 <sup>✓</sup> (c) A parent of the deceased.

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- 1           ✓ (d) An adult brother or sister of the deceased.
- 2           ✓ (e) A person appointed as such by the circuit court.
- 3           ✓ (2) "Event" includes a sudden unexplained collapse.
- 4           ✓ (3) "Health care provider" means all of the following:
- 5           ✓ (a) A midwife licensed under subch. XII of ch 440.
- 6           ✓ (b) A nurse licensed under ch. 441.
- 7           ✓ (c) A chiropractor licensed under ch. 446.
- 8           ✓ (d) A dentist licensed under ch. 447.
- 9           ✓ (e) A physician, physician assistant, or respiratory care practitioner licensed
- 10 or certified under subch. II of ch. 448.
- 11           ✓ (f) A physical therapist licensed under subch. III of ch. 448.
- 12           ✓ (g) A podiatrist licensed under subch. IV of ch. 448.
- 13           ✓ (h) A dietitian certified under subch. V of ch. 448.
- 14           ✓ (i) An athletic trainer licensed under subch. VI of ch. 448.
- 15           ✓ (j) An occupational therapist or occupational therapy assistant licensed under
- 16 subch. VII of ch. 448.
- 17           ✓ (k) An optometrist licensed under ch. 449.
- 18           ✓ (L) A pharmacist licensed under ch. 450.
- 19           ✓ (m) An acupuncturist certified under ch. 451.
- 20           ✓ (n) A psychologist licensed under ch. 455.
- 21           ✓ (o) A social worker, marriage and family therapist, or professional counselor
- 22 certified or licensed under ch. 457.
- 23           ✓ (p) A speech-language pathologist or audiologist licensed under subch. II of ch.
- 24 459 or a speech and language pathologist licensed by the department of public
- 25 instruction.



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1 (q) A massage therapist or bodyworker certified under ch. 460.

2 (4) "Law enforcement agency" has the meaning given in s. 165.83 (1) (b).

3 (5) "Therapeutic misadventure" means an unintended medical error made by  
4 a health care provider or an unexpected mechanical failure of a medical device  
5 during the treatment of a patient that causes serious harm to the patient.

6 SECTION 32. 979.01 (title) of the statutes is amended to read:

7 **979.01 (title) Reporting deaths required; penalty; taking specimens by**  
8 **coroner or medical examiner jurisdiction for investigating deaths.**

9 SECTION 33. 979.01 (1) (intro.) of the statutes is amended to read:

10 979.01 (1) (intro.) ~~All physicians, authorities of hospitals, sanatoriums,~~  
11 ~~public and private institutions, convalescent homes, authorities of any institution~~  
12 ~~of a like nature, and other persons having~~ Any health care provider, director of an  
13 inpatient health care facility, as defined in s. 50.135 (1), director of a long-term  
14 care facility, as defined in s. 16.009 (1) (em), director of emergency medical  
15 services, director of a correctional facility, or any other person who has knowledge  
16 of the death of any person who has died under any of the following circumstances  
17 individual, shall, if any of the following applies, immediately report the death to  
18 the sheriff, police chief, the medical examiner or coroner of in the county where in  
19 which the death took place individual was pronounced dead or in which the  
20 individual's body or remains were located and may report the death to a law  
21 enforcement officer in that county:

22 SECTION 34. 979.01 (1) (a) of the statutes is amended to read:

23 979.01 (1) (a) ~~All deaths in which there are~~ The death involves unexplained,  
24 unusual, or suspicious circumstances.

25 SECTION 35. 979.01 (1) (b) of the statutes is repealed and recreated to read:

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1           979.01 (1) (b) The death is a suspected homicide, including a death resulting  
2 from an act of bioterrorism, as defined in s. 166.02 (1r).

3           **SECTION 36.** 979.01 (1) (c) of the statutes is repealed and recreated to read:

4           979.01 (1) (c) The death is a suspected suicide.

5           **SECTION 37.** 979.01 (1) (d) of the statutes is amended to read:

6           979.01 (1) (d) ~~All deaths following~~ The death is of a woman and is associated  
7 with an abortion, as defined in s. 253.10 (2) (a).

8           **SECTION 38.** 979.01 (1) (e) of the statutes is amended to read:

9           979.01 (1) (e) ~~All deaths due to~~ Injury or poisoning may be a contributing cause  
10 of the death, whether homicidal, suicidal or accidental or not the injury or poisoning  
11 is the primary cause of death and regardless of the interval between the injury or  
12 poisoning and the death.

13           **SECTION 39.** 979.01 (1) (f) of the statutes is repealed and recreated to read:

14           979.01 (1) (f) The death occurs while the individual is in the actual or  
15 constructive custody of a law enforcement officer, during active pursuit of the  
16 individual by a law enforcement officer, or otherwise involves a law enforcement  
17 officer.

18           **SECTION 40.** 979.01 (1) (g) of the statutes is amended to read:

19           979.01 (1) (g) ~~When there was no~~ The individual was not under the care of a  
20 physician, or accredited practitioner of a bona fide religious denomination relying  
21 upon prayer or spiritual means for healing in attendance within 30 days preceding  
22 for the illness or condition that caused the death.

23           **SECTION 41.** 979.01 (1) (h) of the statutes is repealed and recreated to read:

24           979.01 (1) (h) The death occurs while the individual is confined in a federal  
25 prison in this state, a state prison, county jail or house of correction, a juvenile

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1 correctional facility, as defined in s. 938.02 (10p), or a juvenile detention facility, as  
2 defined in s. 938.02 (10r), or is otherwise incarcerated in the custody of the  
3 department of corrections or of a county sheriff.

4 SECTION 42. 979.01 (1) (i) of the statutes is amended to read:

5 979.01 (1) (i) ~~When, after~~ After reasonable efforts, a physician cannot within  
6 6 days after the pronouncement of death, or sooner under circumstances that the  
7 coroner or medical examiner determines constitute an emergency, be obtained to sign  
8 the medical certification as required under s. 69.18 (2) (b) or (c) ~~within 6 days after~~  
9 ~~the pronouncement of death or sooner under circumstances which the coroner or~~  
10 ~~medical examiner determines to be an emergency, or all persons authorized to certify~~  
11 the cause of death under s. 69.18 (2) (b) or (c) refuse to sign the death certificate.

12 SECTION 43. 979.01 (1) (j) to (p) of the statutes are created to read:

13 979.01 (1) (j) The death occurs while the individual is detained or  
14 institutionalized under <sup>s.</sup> 51.20, 971.14, or 971.17 or ch. 980.

15 (k) The death occurs while the individual is receiving emergency care at a  
16 hospital, as defined in s. 50.33 (2) (a) and (c), or a physician's office, as defined in s.  
17 101.123 (1) (dg).

18 (L) The death occurs during a diagnostic, anesthetic, or therapeutic procedure  
19 or during administration of medication and is suspected to be associated with a  
20 therapeutic misadventure.

21 (m) The death is suspected to be associated with the abuse of a chemical  
22 substance that may be legally used or with the use of a controlled substances, as  
23 defined in s. 961.01 (4).

24 (n) The death is associated with an epidemic or pandemic, with the spread of  
25 a dangerous communicable disease, as defined by the department of health and

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1 family services, or with a disease-causing agent that may pose a threat to public ✓  
2 health.

3 (o) The individual's remains are discovered outside a cemetery or documented ✓  
4 burial plot. ✓

5 (p) The coroner or medical examiner for the county in which the individual was ✓  
6 pronounced dead or in which the individual's body or remains were located, in a ✓  
7 written and published death reporting protocol, requires that the death be reported.

8 **SECTION 44.** 979.01 (1g) of the statutes is repealed and recreated to read:

9 979.01 (1g) If a law enforcement officer is notified of a death under sub. (1), the ✓  
10 law enforcement officer shall immediately notify the coroner or medical examiner in  
11 the county in which the body or remains were located. ✓

12 **SECTION 45.** 979.01 (1i) of the statutes is created to read:

13 979.01 (1i) If there is reason to believe that a death that must be reported under ✓  
14 sub. (1) was caused by a crime, injury, or other event that occurred in a county in this  
15 state, other than the county in which the body is located, the coroner or medical ✓  
16 examiner in the county in which the body is located shall immediately notify the  
17 coroner or medical examiner in the county in which the crime, injury, or other event  
18 is believed to have occurred.

19 **SECTION 46.** 979.01 (1k) of the statutes is created to read:

20 979.01 (1k) (a) Except as provided in par. (b), if a death must be reported under ✓  
21 sub. (1), the coroner or medical examiner in the county in which the crime, injury, or  
22 other event that caused the death occurred has jurisdiction to investigate the cause  
23 and manner of death.

24 (b) If there is reason to believe that a death that must be reported under sub. ✓  
25 (1) was caused by a crime, injury, or other event that occurred outside this state, or

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1 if after reasonable efforts it cannot be determined where the crime, injury, or other  
2 event that caused the death occurred, the coroner or medical examiner in the county  
3 in which death is pronounced shall investigate the cause and manner of death. ✓

*has jurisdiction to*

*renumbered and*

4 **SECTION 47.** 979.01 (1m) of the statutes is amended to read:

*Fix Component*

5 ~~The~~ 979.01 (1m) (a) Except as provided in par. (b), the coroner or medical examiner  
6 receiving notification under sub. (1) or (1g) who has jurisdiction to investigate a  
7 death under this section shall immediately, within a reasonable time after receiving  
8 notice of the death, notify the district attorney for his or her county or the attorney  
9 general of the death.

*Section #. 979.01 (1m) (b) is created to read:*

10 979.01 (1m) (b) Subject to s. 970.04 (2), the coroner or medical examiner is not required to  
11 notify the district attorney or attorney general of any deaths for which the district  
12 attorney, in writing, waives notice.

13 **SECTION 48.** 979.01 (1p) of the statutes is created to read:

14 979.01 (1p) A coroner or medical examiner who receives notice of a death under  
15 sub. (1), or his or her designee, shall notify the deceased's next of kin of the death.

16 **SECTION 49.** 979.01 (1r) of the statutes is amended to read:

17 979.01 (1r) If the coroner or medical examiner is notified of a death under sub.  
18 (1) or (1g) and determines that his or her notification of the death was not required  
19 under sub. (1) or (1g), the discovery of human remains under this section and  
20 determines that the remains have no forensic significance, he or she shall notify the  
21 director of the historical society under s. 157.70 (3).

22 **SECTION 50.** 979.01 (2) of the statutes is renumbered 979.01 (2) (a) and  
23 amended to read:

24 979.01 (2) (a) Any person individual who violates this section shall sub. (1) may  
25 be fined not more than \$1,000 or imprisoned not more than 90 days or both.

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1 SECTION ~~51~~. 979.01 (2) (b) of the statutes is created to read:

2 979.01 (2) (b) Any partnership, association, organization, institution, or body  
3 politic or corporate that violates sub. (1) may be fined not more than \$10,000 or  
4 imprisoned not more than 90 days or both. ✓

5 SECTION ~~52~~. 979.01 (3) of the statutes is repealed.

6 SECTION ~~53~~. 979.01 (3m) of the statutes is repealed.

7 SECTION ~~54~~. 979.01 (4) of the statutes is renumbered 979.105 and amended to  
8 read:

9 979.105 **Authorization to embalm.** No person may embalm or perform an  
10 autopsy on or dispose of the body of any person who has died under any of the  
11 circumstances listed in this section unless the person obtains the individual whose  
12 death must be reported under s. 979.01 (1) without the written authorization of the  
13 coroner of the county in which the injury or cause of death occurred. Such  
14 authorization shall be issued by the or medical examiner who has jurisdiction to  
15 investigate the death under s. 979.01. An authorization to embalm shall include  
16 information necessary to identify the deceased, the date and place of death, the name  
17 of the funeral director or person acting in the place of the funeral director, and shall  
18 specify that the coroner or medical examiner does not provide authorization to  
19 override the wishes of the next of kin of the deceased with respect to disposition of  
20 the body. The coroner or a deputy medical examiner, or his or her designee, shall  
21 issue an authorization to embalm under this subsection within 12 hours after  
22 notification of the reportable death, or as soon thereafter as possible in the event of  
23 unexplained, unusual or suspicious circumstances after being notified of the death.

24 SECTION ~~55~~. 979.015 of the statutes is amended to read:

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1           **979.015 Subpoena for documents.** Upon the request of the coroner, medical  
2 examiner ~~or, district attorney, or attorney general,~~ a court shall issue a subpoena  
3 requiring the production of documents ~~necessary for the determination of a~~  
4 ~~decedent's~~ relevant to determining the cause or manner of a decedent's death. The  
5 ~~documents may include the decedent's patient health care records and treatment~~  
6 ~~records, as defined in ss. 51.30 and 146.81 (4).~~ The documents shall be returnable  
7 to the officer named in the subpoena.

8           ~~SECTION 56.~~ 979.017 of the statutes is created to read:

9           **979.017 Custody of and authorization to move a body.** (1) The coroner  
10 or medical examiner who has jurisdiction to investigate a death under s. 979.01 has  
11 legal custody of the decedent's body until he or she releases the body for disposition.  
12 Temporary transfer of a decedent's body for the purpose of removing a body part that  
13 is the subject of an anatomical gift under s. 157.06 does not constitute release of legal  
14 custody of the body.

15           (2) If an individual's death must be reported under s. 979.01 (1), no person may  
16 move the individual's body at or from the scene of death without authorization from  
17 the coroner or medical examiner to whom the death was first reported under s.  
18 979.01, except if it is necessary to move the body to perform search or rescue  
19 operations for living individuals.

20           ~~SECTION 57.~~ 979.02 (title) of the statutes is amended to read:

21           **979.02 (title) Autopsies and other diagnostic procedures.**

22           ~~SECTION 58.~~ 979.02 of the statutes is renumbered 979.02 (1) and amended to  
23 read:

24           979.02 (1) The coroner, or medical examiner or district attorney who has  
25 jurisdiction to investigate a death under s. 979.01 may order the conducting of that

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1 an autopsy ~~upon or other appropriate diagnostic procedure be performed on~~ the body  
2 of a dead person any place within the state in cases where an inquest might be had  
3 as provided in s. 979.04 notwithstanding the fact that no such inquest is ordered or  
4 conducted. ~~The autopsy shall be conducted by a licensed physician who has~~  
5 ~~specialized training in pathology. The district attorney may move the circuit court~~  
6 ~~for the county in which the body is buried for an order disinterring the body for~~  
7 ~~purposes of autopsy. The order shall be granted by the circuit court upon a~~  
8 ~~reasonable showing that any of the criteria specified in s. 979.04 exists. This section~~  
9 ~~does not prevent additional autopsies or examinations of the body if there are~~  
10 ~~unanswered pathological questions concerning the death and the causes of death the~~  
11 ~~deceased, or his or her designee, may extract from the body any specimen, bodily~~  
12 ~~fluids, other bodily material, or other material for analysis that will assist him or her~~  
13 ~~in conducting a death investigation. The coroner or medical examiner shall dispose~~  
14 ~~of specimens, fluids, and materials that are no longer of use in the investigation in~~  
15 ~~accordance with standard biological material practices and county evidence~~  
16 ~~retention rules.~~

17 SECTION 59. 979.02 (2) to (7) of the statutes are created to read:

18 979.02 (2) The coroner or medical examiner who has jurisdiction to investigate  
19 a death under s. 979.01, or his or her designee, shall order that an autopsy and any  
20 other appropriate diagnostic procedure be performed on the body of the deceased if  
21 the death occurred under any of the following circumstances:

22 (a) The death likely resulted from a criminal act, unless the district attorney  
23 or attorney general waives the requirement for an autopsy.

24 (b) The death must be reported under s. 979.01 (1) (b), (f), (h), or (j).



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1 (c) The deceased was under 18 years of age and the death is unexplained or  
2 unusual.

3 (3) An autopsy ordered under this section may be performed only by a licensed  
4 physician who has undergone specialized training in pathology, and an autopsy  
5 ordered under sub. (2) may be performed only by a pathologist who has  
6 undergone advanced forensic training.

7 (4) The requirement to order an autopsy under sub. (2) does not preclude a  
8 coroner or medical examiner from allowing the removal of a body part that is the  
9 subject of an anatomical gift under s. 157.06.

10 (5) If the coroner or medical examiner who has jurisdiction to investigate a  
11 death under s. 979.01 does not order that an autopsy or other diagnostic procedure  
12 be performed on the body of the deceased, the circuit court shall, upon the request  
13 of the district attorney who has jurisdiction to investigate the death under s. 979.04  
14 or the attorney general, order an autopsy or other appropriate diagnostic procedure  
15 performed on the body if any of the conditions for ordering an inquest under s. 979.04  
16 are satisfied.

17 (6) Except if ordered under sub. (5), no person may perform an autopsy on the  
18 body of an individual whose death must be reported under s. 979.01 (1) without the  
19 written authorization of the coroner or medical examiner who has jurisdiction to  
20 investigate the death under s. 979.01. In cases in which the coroner or medical  
21 examiner issues an authorization to perform an autopsy, the coroner or medical  
22 examiner shall, if possible, issue the authorization within 12 hours after being  
23 notified of the death, or as soon as possible thereafter.

24 (7) If the coroner or medical examiner who has jurisdiction to investigate a  
25 death under s. 979.01 determines that an autopsy or analysis of specimens, bodily

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1 fluids, or other bodily materials is not required for an investigation of a death that  
2 must be reported under s. 979.01 (1), the coroner or medical examiner shall, upon the  
3 request of the deceased's representative, inform the deceased's representative of his  
4 or her right to privately contract for pathology-related services at his or her own  
5 expense.

6 ~~SECTION 60.~~ 979.025 (title) of the statutes is amended to read:

7 **979.025 (title) Autopsy Investigation of death of a correctional inmate.**

8 ~~SECTION 61.~~ 979.025 (1) of the statutes is amended to read:

9 979.025 (1) INMATE CONFINED TO AN INSTITUTION IN THIS STATE. If a coroner or  
10 medical examiner determines that the death of an individual dies, who died while  
11 ~~he or she is~~ in the legal custody of the department and confined to a correctional  
12 facility located in this state, ~~the coroner or medical examiner of the county where the~~  
13 ~~death occurred shall perform an autopsy on the deceased individual. If the coroner~~  
14 ~~or medical examiner who performs the autopsy determines that the individual's~~  
15 ~~death may have been the result of any of the situations that would permit the district~~  
16 ~~attorney or attorney general to order an inquest under s. 979.04 (1), the coroner or~~  
17 ~~medical examiner shall follow the procedures under s. 979.04 (2).~~

18 ~~SECTION 62.~~ 979.025 (2) of the statutes is amended to read:

19 979.025 (2) INMATE CONFINED IN AN INSTITUTION IN ANOTHER STATE. If an  
20 individual dies while he or she is in the legal custody of the department and confined  
21 to a correctional facility in another state under a contract under s. 301.07, 301.21,  
22 or 302.25, the department shall have an autopsy and any other appropriate  
23 diagnostic procedure performed by an appropriate authority in the other state or, if  
24 the body is returned to this state, by order of the coroner or medical examiner of the  
25 county in which the circuit court is located that sentenced the individual to the

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1 custody of the department. If the coroner or medical examiner who performs orders  
2 the autopsy or other diagnostic procedure in this state determines that the  
3 individual's death may have been the result of any of the situations that would  
4 permit the district attorney to order an inquest under s. 979.04 (1), the coroner or  
5 medical examiner shall forward the results of the autopsy or other diagnostic  
6 procedure to the appropriate authority in the other state.

7 **SECTION ~~63~~.** 979.025 (3) of the statutes is amended to read:

8 979.025 (3) COSTS OF AN AUTOPSY AND DIAGNOSTIC PROCEDURE. The costs of an  
9 autopsy or other diagnostic procedure performed under sub. (1) <sup>✓</sup> or (2) or performed  
10 on an inmate confined in a correctional facility in this state under s. 979.02 (2) (b)  
11 shall be paid by the department.

12 **SECTION ~~64~~.** 979.027 of the statutes is created to read:

13 **979.027 Disinterment for autopsy or other diagnostic procedure.** The  
14 district attorney or attorney general may move the circuit court for the county in  
15 which a body is buried for an order disinterring the body for the purpose of  
16 conducting an autopsy or other diagnostic procedures. The order shall be granted  
17 by the circuit court upon a reasonable showing that any of the criteria specified in  
18 s. 979.04 <sup>✓</sup> exists. The clerk of the circuit court shall send a copy of the order to the  
19 coroner or medical examiner in the county in which the body is buried. Upon receipt  
20 of the order, the coroner or medical examiner shall issue a permit for disinterment  
21 and reinterment under s. 69.18 (4) (c). This section does not preclude the  
22 performance of additional autopsies or examinations of the body if there are  
23 unanswered pathological questions concerning the death and the causes of death.

24 **SECTION ~~65~~.** 979.03 of the statutes is repealed.

25 **SECTION ~~66~~.** 979.032 of the statutes is created to read:

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1           **979.032 Coroner or medical examiner investigation records.** (1) The  
2 coroner or medical examiner shall create and maintain a record for each  
3 investigation conducted under s. 979.01 that includes all of the following:

4           (a) The full name of the deceased and any known alias used by the deceased.

5           (b) A coroner or medical examiner case number.

6           (c) A case activity log.

7           (d) An investigation report containing any personal information regarding the  
8 deceased that is relevant to determining the cause and manner of death, the medical  
9 history of the deceased, information relevant to the circumstances of the death, death  
10 scene observations, findings regarding the body of the deceased that are relevant to  
11 determining the cause of death, notation of evidence recovered, including any visual  
12 documentation, a list of other persons or agencies involved in the investigation, and  
13 a list of persons interviewed by the coroner or medical examiner regarding the case.

14           (e) A written autopsy report, if an autopsy is completed.

15           (f) Documentation of the chain of custody of all evidence and property obtained  
16 by the coroner or medical examiner, including an inventory sheet, described under  
17 s. 979.036 (2), of prescription medications, if applicable.

18           (2) The coroner or medical examiner shall maintain investigation records  
19 created under sub. (1) in an office that is owned or leased by the county, maintained  
20 by the county, and designated as the office of the county coroner or medical examiner.

21           (3) The coroner or medical examiner shall maintain written policies regarding  
22 access to investigation records created or maintained under this section.

23           ~~SECTION 67.~~ 979.034 of the statutes is created to read:

24           **979.034 Confidentiality of coroner or medical examiner investigation**  
25 **records and information.** (1) The coroner or medical examiner shall keep

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1 confidential all records obtained under s. 51.30 (4) (b) 28. or 146.82 (2) (a) 18., all  
2 confidential documents obtained by subpoena under s. 979.015, and any information  
3 contained in such records or documents, except that the coroner or medical examiner  
4 may divulge such information as necessary to complete a medical certification under  
5 s. 69.18 (2).

6 (2) The coroner or medical examiner shall keep records of autopsies and other  
7 diagnostic procedures, including any photographs or other pictorial images of the  
8 deceased made in connection with an autopsy, and information learned from an  
9 autopsy or other diagnostic procedure confidential. The coroner or medical examiner  
10 may not release such records or information except to persons listed under s. 146.82  
11 (2) who may access patient health care records without the patient's informed  
12 consent, to the deceased's representative or his or her designee, or for educational  
13 purposes.

14 (3) If a law enforcement agency, or a district attorney investigating a death, or  
15 the attorney general, requests that the coroner or medical examiner keep  
16 investigation records under s. 979.032 and information related to an investigation  
17 confidential, the coroner or medical examiner shall keep such records and  
18 information confidential for as long as the law enforcement agency, district attorney,  
19 or attorney general requests.

20 **SECTION 68.** 979.036 of the statutes is created to read:

21 **979.036 Handling of personal property of deceased.** (1) Each coroner or  
22 medical examiner shall keep an inventory of any money or other property that the  
23 coroner or medical examiner takes from a death scene or from a deceased person and  
24 does not immediately provide to a law enforcement agency as evidence. The coroner  
25 or medical examiner shall release any such property, other than prescription

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1 medication, that belonged to the deceased to the deceased's representative unless the  
2 property is needed as evidence or unless a court has issued an order to hold the  
3 property for payment of fees associated with the disposal of the body.

4 (2) If the coroner or medical examiner takes prescription medications from a  
5 death scene or from the body of a deceased, the coroner or medical examiner shall list  
6 them on an inventory sheet and sign the inventory sheet. If the coroner or medical  
7 examiner does not provide the prescription medications to a law enforcement agency  
8 as evidence, the coroner or medical examiner shall destroy them in accordance with  
9 applicable county evidence retention policies and appropriate standards for disposal  
10 of medications, except that the coroner or medical examiner shall donate those  
11 prescription medications that satisfy the standards under s. 255.056 (3) to the drug  
12 repository program under s. 255.056 or to another similar drug repository program.

13 The coroner or medical examiner shall indicate on the inventory sheet the disposition  
14 of the prescription medications.

15 **SECTION 69.** 979.038 of the statutes is created to read:

16 **979.038 Grief counselling referral for certain child deaths.** If a coroner  
17 or medical examiner is notified of the death of a child under 2 years of age and there  
18 is no indication that the child's death was caused by a criminal act, the coroner or  
19 medical examiner shall notify a grief counselor, who receives public funding to  
20 provide grief counselling for child deaths, of the death and shall inform the child's  
21 parent that grief counselling is available. If a coroner or medical examiner is notified  
22 of the death of a child under 2 years of age and suspects that the death may have the  
23 been the result of a criminal act, the coroner or medical examiner may not notify a  
24 grief counselor of the child's death or refer the child's parents for grief counselling

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1 unless the law enforcement agency and district attorney or attorney general  
2 investigating the death consent to the notification and referral.

3 **SECTION 70.** 979.04 of the statutes is amended to read:

4 **979.04 Inquests: when called.** (1) If the district attorney or attorney general  
5 has notice of the death of any person and there is reason to believe from the  
6 circumstances surrounding the death that felony murder, first-degree or  
7 2nd-degree intentional homicide, first-degree or 2nd-degree reckless homicide,  
8 homicide by negligent handling of dangerous weapon, explosives or fire, homicide by  
9 negligent operation of vehicle, homicide resulting from negligent control of a vicious  
10 animal, or homicide by intoxicated user of a vehicle or firearm may have been  
11 committed, or that death may have been due to suicide or unexplained or suspicious  
12 circumstances, the district attorney or attorney general may order that an inquest  
13 be conducted for the purpose of inquiring how the person died. The district attorney  
14 or attorney general shall appear in any such inquest representing the state in  
15 presenting all evidence which may be relevant or material to the inquiry of the  
16 inquest. The inquest may be held in any county in this state in which venue would  
17 lie for the trial of any offense charged as the result of or involving the death. An  
18 inquest may only be ordered by the district attorney or attorney general under this  
19 subsection or by the circuit judge under sub. (2).

20 (2) If the coroner or medical examiner has knowledge of the death of any person  
21 in the manner described under sub. (1), he or she shall immediately notify the district  
22 attorney or attorney general. The notification shall include information concerning  
23 the circumstances surrounding the death. The coroner or medical examiner may  
24 request the district attorney or attorney general to order an inquest under sub. (1).  
25 If the district attorney refuses and attorney general refuse to order the inquest, a

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1 coroner or medical examiner may petition the circuit court to order an inquest. The  
2 court may issue the order if it finds that the district attorney ~~has~~ and attorney  
3 general have abused ~~his or her~~ their discretion in not ordering an inquest.

4 (3) Subsequent to receipt of notice of the death, the district attorney or attorney  
5 general may request the coroner or medical examiner to conduct a preliminary  
6 investigation and report back to the district attorney or attorney general. The  
7 district attorney or attorney general may determine the scope of the preliminary  
8 investigation. This subsection does not limit or prevent any other investigation into  
9 the death by any law enforcement agency with jurisdiction over the investigation.

10 **SECTION 71.** 979.05 (2), (3), (4), (5) and (6) of the statutes are amended to read:

11 979.05 (2) The inquest shall be conducted before a jury unless the district  
12 attorney, attorney general, coroner, or medical examiner requests that the inquest  
13 be conducted before the judge or circuit court commissioner only. If the inquest is to  
14 be conducted before a jury, a sufficient number of names of prospective jurors shall  
15 be selected from the prospective juror list for the county in which the inquest is to  
16 be held by the clerk of circuit court in the manner provided in s. 756.06. The judge  
17 or circuit court commissioner conducting the inquest shall summon the prospective  
18 jurors to appear before the judge or circuit court commissioner at the time fixed in  
19 the summons. The summons may be served by mail, or by personal service if the  
20 judge, circuit court commissioner, ~~or~~ district attorney, or attorney general  
21 determines personal service to be appropriate. The summons shall be in the form  
22 used to summon petit jurors in the circuit courts of the county. Any person who fails  
23 to appear when summoned as an inquest juror is subject to a forfeiture of not more  
24 than \$40. The inquest jury shall consist of 6 jurors. If 6 jurors do not remain from  
25 the number originally summoned after establishment of qualifications, the judge or



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1 circuit court commissioner conducting the inquest may require the clerk of the circuit  
2 court to select sufficient additional jurors' names. Those persons shall be summoned  
3 forthwith by the sheriff of the county.

4 (3) The judge or circuit court commissioner shall examine on oath or  
5 affirmation each person who is called as a juror to discover whether the juror is  
6 related by blood, marriage or adoption to the decedent, any member of the decedent's  
7 family, the district attorney, the attorney general, any other attorney appearing in  
8 the case, or any members of the office of the district attorney, the attorney general,  
9 or of the office of any other attorney appearing in the case, has expressed or formed  
10 any opinion regarding the matters being inquired into in the inquest or is aware of  
11 or has any bias or prejudice concerning the matters being inquired into in the  
12 inquest. If any prospective juror is found to be not indifferent or is found to have  
13 formed an opinion which cannot be laid aside, that juror shall be excused. The judge  
14 or circuit commissioner may select one or more alternate jurors if the inquest is likely  
15 to be protracted. This subsection does not limit the right of the district attorney or  
16 attorney general to supplement the judge's or circuit commissioner's examination of  
17 any prospective jurors as to qualifications.

18 (4) When 6 jurors have been selected, the judge or circuit court commissioner  
19 shall administer to them an oath or affirmation which ~~which~~ that shall be substantially in  
20 the following form:

21 You do solemnly swear (affirm) that you will diligently inquire and determine  
22 on behalf of this state when, and in what manner and by what means, the person  
23 known as .... who is now dead came to his or her death and that you will return  
24 a true verdict thereon according to your knowledge, according to the evidence

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1 presented and according to the instructions given to you by the ... (judge) (circuit  
2 court commissioner).

3 (5) Prior to the submission of evidence to the jury, the judge or circuit court  
4 commissioner may instruct the jury on its duties and on the substantive law  
5 regarding the issues which may be inquired into before the jury. The district attorney  
6 or attorney general may, at any time during the course of the inquest, make  
7 statements to the jury relating to procedural or evidentiary matters he or she and  
8 the judge or circuit court commissioner deem appropriate. Section 972.12 applies to  
9 the conduct of the inquest jury.

10 (6) The judge or circuit court commissioner conducting the inquest may order  
11 that proceedings be secret if the district attorney or attorney general so requests or  
12 concurs.

13 ~~SECTION 72.~~ 979.06 (1), (2) and (4) of the statutes are amended to read:

14 979.06 (1) The judge or circuit court commissioner may issue subpoenas for  
15 witnesses at the request of the coroner or medical examiner and shall issue  
16 subpoenas for witnesses requested by the district attorney or attorney general.  
17 Subpoenas are returnable at the time and place stated therein. Persons who are  
18 served with a subpoena may be compelled to attend proceedings in the manner  
19 provided in s. 885.12.

20 (2) The judge or circuit court commissioner conducting the inquest and the  
21 district attorney or attorney general may require by subpoena the attendance of one  
22 or more expert witnesses, including physicians, surgeons, and pathologists, for the  
23 purposes of conducting an examination of the body and all relevant and material  
24 scientific and medical tests connected with the examination and testifying as to the  
25 results of the examination and tests. The expert witnesses so subpoenaed shall

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1 receive reasonable fees determined by the district attorney or attorney general and  
2 the judge or circuit court commissioner conducting the inquest.

3 (4) The judge or circuit court commissioner shall administer an oath or  
4 affirmation to each witness ~~which~~ that shall be substantially in the following form:

5 You do solemnly swear (affirm) that the evidence and testimony you give to this  
6 inquest concerning the death of the person known as .... shall be the truth, the  
7 whole truth and nothing but the truth.

8 ~~SECTION 73.~~ 979.07 (1) (a) of the statutes is amended to read:

9 979.07 (1) (a) If a person refuses to testify or to produce books, papers or  
10 documents when required to do so before an inquest for the reason that the testimony  
11 or evidence required of the person may tend to incriminate him or her or subject him  
12 or her to a forfeiture or penalty, the person may be compelled to testify or produce the  
13 evidence by order of the circuit court of the county in which the inquest is convened  
14 on motion of the district attorney or attorney general. A person who testifies or  
15 produces evidence in obedience to the command of the court in that case is not subject  
16 to any forfeiture or penalty for or on account of testifying or producing evidence,  
17 except the person is subject to prosecution and punishment for perjury or false  
18 swearing committed in so testifying.

19 ~~SECTION 74.~~ 979.08 (1) of the statutes is amended to read:

20 979.08 (1) When the evidence is concluded and the testimony closed, the judge  
21 or circuit court commissioner shall instruct the jury on its duties and on the  
22 substantive law regarding the issues inquired into before the jury. The district  
23 attorney or attorney general shall prepare a written set of appropriate requested  
24 instructions and shall submit them to the judge or circuit court commissioner who,  
25 together with the district attorney or attorney general, shall compile the final set of

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1 instructions which shall be given. The instructions shall include those criminal  
2 offenses for which the judge or circuit court commissioner believes a reasonable jury  
3 might return a verdict based upon a finding of probable cause.

4 ~~SECTION 75.~~ 979.08 (5) of the statutes is amended to read:

5 979.08 (5) The verdict delivered by the inquest jury is advisory and does not  
6 preclude or require the issuance of any criminal charges by the district attorney or  
7 attorney general.

8 ~~SECTION 76.~~ 979.08 (6) of the statutes is amended to read:

9 979.08 (6) Any verdict so rendered, after being validated and signed by the  
10 judge or circuit court commissioner, together with the record of the inquest, shall be  
11 delivered to the district attorney or attorney general for consideration. After  
12 considering the verdict and record, the district attorney or attorney general may  
13 deliver the entire inquest record or any part thereof to the coroner or medical  
14 examiner for safekeeping.

15 ~~SECTION 77.~~ 979.08 (7) of the statutes is amended to read:

16 979.08 (7) The record of a secret inquest proceeding shall not be open for  
17 inspection unless so ordered by the judge or circuit court commissioner conducting  
18 the inquest upon petition by the district attorney or attorney general.

19 ~~SECTION 78.~~ 979.09 of the statutes is amended to read:

20 **979.09 Burial Disposition of an unidentified or unclaimed body.** If any  
21 judge or circuit court commissioner conducts an inquest as to the death of a stranger  
22 or of a person whose identity is unknown or whose body is unclaimed or if the district  
23 attorney determines that no inquest into the death of such a person is necessary and  
24 the circuit judge has not ordered an inquest under s. 979.04 (2), a coroner or medical  
25 examiner has custody of an unidentified or unclaimed body of an individual whose

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1 death was investigated under s. 979.01, and the coroner or medical examiner has  
2 made reasonable efforts to identify the body or locate the deceased's representative,  
3 the coroner or medical examiner shall cause the body to be decently buried or  
4 cremated and shall certify ~~to all the charges incurred in taking any inquest by him~~  
5 ~~or her and to the expenses of burial or cremation of the dead body.~~ The charges and  
6 expenses shall be audited by the county board of the proper county and paid out of  
7 the county treasury. The immunity provisions under s. 157.02 (2m) (b) apply to a  
8 coroner's or medical examiner's actions under this section.

9 SECTION ~~79~~. 979.10 (1) (a) (intro.) of the statutes is amended to read:

10 979.10 (1) (a) (intro.) No person may cremate the ~~corpse~~ body of a deceased  
11 person within 48 hours after ~~the pronouncement of death, or the discovery of the~~  
12 ~~death, of the deceased person~~ unless the death was caused by a contagious or  
13 infectious disease. and one of the following conditions applies:

14 (ag) No person may cremate a ~~corpse~~ body unless the person has received a  
15 cremation ~~permit~~ release from one of the following:

16 SECTION ~~80~~. 979.10 (1) (a) 1., 2. and 3. of the statutes are renumbered 979.10  
17 (1) (ag) 1., 2. and 3. and amended to read:

18 979.10 (1) (ag) 1. The coroner or medical examiner in the county where the  
19 death ~~occurred~~ was pronounced if the death ~~occurred~~ was pronounced in this state;  
20 and the death was not subject to an investigation under s. 979.01.

21 2. The coroner or medical examiner in the county where the crime, injury, or  
22 other event which that caused the death occurred if the death occurred in this state  
23 and if the death is the subject of an investigation under s. 979.01; ~~or,~~

24 3. The coroner or medical examiner of the county where the ~~corpse~~ body is to  
25 be cremated if the death ~~occurred~~ was pronounced outside this state. ~~A cremation~~

**BILL**

1 ~~permit issued under this subdivision may not be used in any county except the county~~  
2 ~~in which the cremation permit is issued.~~

3 **SECTION 81.** 979.10 (1) (a) 1m. and 2m. of the statutes are created to read:

4 979.10 (1) (a) 1m. The body must be cremated immediately to effectively  
5 contain the disease.

6 2m. A public health authority orders sooner disposal of the body under s.  
7 157.055 (2) (c) during a state of emergency related to public health.

8 **SECTION 82.** 979.10 (1) (b) of the statutes is amended to read:

9 979.10 (1) (b) A coroner or medical examiner shall include in any cremation  
10 permit release issued under par. (a) (ag) a statement that he or she has viewed the  
11 corpse body which is the subject of the permit release and made personal inquiry into  
12 the cause and manner of death under sub. (2) and is of the opinion that no further  
13 examination or judicial inquiry is necessary. The release shall also specify the  
14 earliest date and time that the cremation may occur.

15 **SECTION 83.** 979.10 (1) (c) of the statutes is renumbered 157.113.

16 **SECTION 84.** 979.10 (1) (d) of the statutes is created to read:

17 979.10 (1) (d) If the medical certification of the cause and manner of death of  
18 a deceased is completed by a physician under s. 69.18 (2) (b) or (c), the coroner or  
19 medical examiner shall review the medical certification before issuing a cremation  
20 release for the deceased. It is not a violation of s. 69.24 for a coroner or medical  
21 examiner to make or receive a copy of a death certificate, that has not been filed  
22 under s. 69.18 (1), for purposes of this paragraph. A coroner or medical examiner  
23 may not release such a copy of a death certificate to any other person or use the copy  
24 for a purpose other than complying with the viewing requirement under this  
25 paragraph.

*review*

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1           SECTION ~~85~~. 979.10 (2) of the statutes is amended to read:

2           979.10 (2) If a ~~corpse~~ body is to be cremated, the coroner or medical examiner  
3 shall view the body, make a careful personal inquiry into the cause and manner of  
4 death, and ~~conduct an autopsy or order the conducting of an autopsy~~, if in his or her  
5 ~~or the coroner or medical examiner or district attorney's opinion~~ attorney or attorney  
6 general determines that it is necessary to determine the cause and manner of death,  
7 perform or order an autopsy performed on the body. If the coroner or medical  
8 examiner determines that no further examination or judicial inquiry is necessary he  
9 or she shall certify that fact and issue a cremation release. Upon written request by  
10 the district attorney or attorney general, the coroner or medical examiner shall  
11 obtain the concurrence of the district attorney or attorney general before issuing the  
12 ~~certification~~ cremation release. If the coroner or medical examiner determines that  
13 further examination or judicial inquiry is necessary, he or she shall notify the district  
14 attorney or attorney general under s. 979.04 (2) and refuse to issue a cremation  
15 release until the examination or judicial inquiry is concluded.

16           SECTION ~~86~~. 979.10 (3) of the statutes is repealed.

17           SECTION ~~87~~. 979.10 (4) of the statutes is amended to read:

18           979.10 (4) Whoever accepts, receives, or takes any ~~corpse~~ body of a deceased  
19 person with intent to destroy the ~~corpse~~ body by means of cremation, or who cremates  
20 or aids and assists in the cremation of any ~~corpse~~ body of a deceased person  
21 without having presented the ~~permit~~ release specified in sub. (1) shall be fined not  
22 more than \$10,000 or imprisoned not more than 9 months or both.

23           SECTION ~~88~~. 979.10 (5) of the statutes is created to read:

24           979.10 (5) If a coroner or medical examiner issues a release to embalm  
25 authorizing the burial or entombment of a body but refuses under sub. (2) to issue

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1 a cremation release for the body, the coroner or medial examiner and county are not  
2 liable for the cost of the storing the body.

3 ~~SECTION 89.~~ 979.10 (6) of the statutes is created to read:

4 979.10 (6) A person receiving a body under s. 157.02 (3) or 157.06 shall request  
5 a cremation release from the coroner or medical examiner who has jurisdiction to  
6 issue a cremation release under s. 979.10 (1) before moving the body out of the county  
7 served by the coroner or medical examiner.

8 ~~SECTION 90.~~ 979.11 of the statutes is amended to read:

9 **979.11 Compensation of officers.** The sole compensation of the coroner and  
10 deputy coroners for attendance at an inquest and for any preliminary investigation  
11 under this chapter at the direction of the district attorney or attorney general shall  
12 be a reasonable sum set by the county board for each day actually and necessarily  
13 required for the purpose, and a sum set by the county board for each mile actually  
14 and necessarily traveled in performing the duty. Any coroner or deputy coroner may  
15 be paid an annual salary and allowance for traveling expenses to be established by  
16 the county board under s. 59.22 which shall be in lieu of all fees, per diem and  
17 compensation for services rendered.

18 ~~SECTION 91.~~ 979.22 of the statutes is amended to read:

19 **979.22 Autopsies Fees for other autopsy and toxicological services by**  
20 **coroners or medical examiners.** A coroner or medical examiner may perform  
21 autopsies and toxicological services not required under this chapter and may charge  
22 a fee established by the county board for such autopsies and services. The fee may  
23 not exceed an amount reasonably related to the actual and necessary cost of  
24 providing the service.

25 ~~SECTION 92.~~ **Nonstatutory provisions.**



**BILL**

1 (1) INITIAL TERMS OF BOARD MEMBERS. Notwithstanding the lengths of terms of  
2 the members of the board of medicolegal investigations specified in section 15.255  
3 (3) of the statutes, as created by this act, the initial members shall be appointed for  
4 the following terms:

5 (a) Two members specified under section 15.255 (3) (a) to (f) of the statutes, as  
6 created by this act, for a term that expires on May 1, 2009.

7 (b) Three members specified under section 15.255 (3) (a) to (f) of the statutes,  
8 as created by this act, for a term that expires on May 1, 2011.

9 (c) Three members specified under section 15.255 (3) (a) to (f) of the statutes,  
10 as created by this act, for a term that expires on May 1, 2013.

**SECTION 93. Initial applicability.**

11  
12 (1) DEATH INVESTIGATIONS; AUTHORIZATION TO EMBALM OR CREMATE; DISPOSITION OF  
13 BODIES. The treatment of sections 59.34 (1) (a), 69.01 (12), 69.18 (2) (d) 1. and (3) (a),  
14 157.02 (1), (1m) (title), (2m), (3), and (4), 157.03 (1) and (2), 157.055 (2) (intro.), 165.50  
15 (4), 346.71 (2), 440.78 (1) (b), 979.001, 979.01 (title), (1) (intro.), (a), (b), (c), (d), (e),  
16 (f), (g), (h), (i), (j), (k), (L), (m), (n), (o), and (p), (1g), (1i), (1k), (1m), (1p), (1r), (2) (b),  
17 (3), (3m), and (4), 979.017, 979.02 (title), (2), (3), (5), (6), and (7), 979.025, (title), (1),  
18 and (2), 979.03, 979.032, 979.034, 979.036, 979.038, 979.04, 979.05 (2), (3), (4), (5),  
19 and (6), 979.06 (1), (2), and (4), 979.07 (1) (a), 979.08 (1), (5), (6), and (7), 979.09,  
20 979.10 (1) (a) (intro.), 1m. and 2m., (b), (c), and (d), (2), (3), (4), (5), and (6), 979.11,  
21 and 979.22 of the statutes, and the renumbering and amendment of sections 157.02  
22 (2) and (5), 979.01 (2) and (4), 979.02, and 979.10 (1) (a) 1., 2., and 3. of the statutes  
23 first apply to deaths occurring on the effective date of this subsection.

24 (2) DISINTERMENT PERMITS. The treatment of sections 69.18 (4) (a) 1. to 6., (am)  
25 (intro.), (b), (bm), (d), (e), and (f) of the statutes and the renumbering and amendment

**BILL**

1 of section 69.18 (4) (a) (intro.) of the statutes first apply to disinterment permits  
2 applied for on the effective date of this subsection.

3 (END)

D-note

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-2766/1dn

RLR:.....

l bjk

Date

- \* 1. I eliminated the requirement under s. 979.01 (1) that people report suspected homicides of unborn children under s. 940.01 (1)(b), 940.02 (1m), or 940.05 (2g) because this requirement is redundant to the requirement under s. 979.01 (1) (b) to report any suspected homicide.
2. As we discussed, I added a provision under s. 979.01 (1m) (b) that allows a district attorney to waive notice of certain deaths. However, under this draft, the district attorney cannot waive notice of deaths for which an inquest may be held.
3. I did not specify that the coroner and medical examiner's authority to extract specimens for analysis under s., 979.02 (2) is "without restrictions" because the draft already states that the coroner or medical examiner may extract "any" bodily material, so adding "without restrictions" with respect to what the coroner or medical examiner may extract is redundant. Furthermore, the draft allows a coroner or medical examiner to extract specimens only for analysis "that will assist him or her in conducting a death investigation." Stating that the coroner or medical examiner may extract specimens "without restrictions" would contradict this purpose limitation. Do you want to do that?
4. Please note that I added an exception to the prohibition in s. 979.02 (6) against conducting an autopsy without authorization from the coroner or medical examiner. I assume that the coroner or medical examiner's authorization should not be required if the court orders the autopsy under s. 979.02 (5).
- \* 5. Someone was going to check with the district attorneys or DOJ to find out whether the last clause of s. 979.02 (6) should refer to "applicable evidence retention rules" rather than "county evidence retention rules." Do you have an answer?
- \* 6. In the September 27, 2007, meeting we discussed adding a requirement to the section on investigation records (s. 979.032) that would require coroners and medical examiners to keep records in accordance with standards established by the Board on Medicolegal Investigations. However, the draft that creates the Board, LRB-1962, only requires the board to establish training and testing standards. Do you want to require the Board to promulgate rules on standards for investigation records, or are the proposed statutory standards under s. 979.032 sufficient?
7. Section 979.038 requires a coroner or medical examiner to notify the parent of a deceased two-year-old of the availability of publicly funded grief counselling. Do you

want to condition this requirement on the availability of such publicly funded grief counselling in case the funding is not provided statewide or is not available in the future? (I presume that such counselling is currently available.) ✓

8. Given that you do not want a district attorney to be able to order an autopsy, do you want to amend s. 979.10 (2), which provides that a coroner or medical examiner must perform an autopsy on a body that is to be cremated if the district attorney or attorney general determines one is necessary to determine the cause and manner of death? ✓

9. Please review s. 69.18 (2) (d) 1., which refers to deaths that are "the subject of a coroner's or medical examiner's determination under s. 979.01". Since no "determination" is called for under s. 979.01, should s. 69.18 (2) (d) 1. refer to deaths that must be reported under s. 979.01 or to deaths that are the subject to an investigation under s. 979.01? Also, a provision in s. 69.18 (3) (a) is conditioned upon whether the cause of death is "subject to an investigation under 979.01." Again, does this reference cover all deaths that must be reported under s. 979.01 or only those that the coroner or medical examiner investigates? ✓ (S.)

10. As we discussed, I merged the provisions in section 979.24 of the January 8, 2006, draft with current law section 69.18 (4). Please review the treatment of s. 69.18 (4) in this draft. Section 979.24 (6) in the January 8, 2006 draft provides that no person may open a cemetery vault or mausoleum without permission from both the cemetery and the deceased's next of kin. The first part is not necessary, because current law s. 157.111 already provides that only a cemetery may open a vault or mausoleum. Do you want to condition the cemetery's authority to open a vault or mausoleum on obtaining permission from the deceased's next of kin? If so, do you want to make an exception for reburials under s. 157.112 for the purpose of correcting an error? ✓

11. Section 157.70 (3) (a) provides, "Except as provided in s. 979.01," a person shall immediately notify the director of the historical society of any disturbance of a cataloged burial site. I don't see anything in s. 979.01 that creates an exception to the duty under s. 157.70 (3) (a). Do you have any objection to eliminating the except clause in s. 157.70 (3) (a)? ✓

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