



## Fiscal Estimate Narratives

DOC 2/9/2016

LRB Number	<b>15-4377/1</b>	Introduction Number	<b>AB-0867</b>	Estimate Type	<b>Original</b>
<b>Description</b> Reporting deaths; death investigations and other duties of coroners and medical examiners; disposition of bodies; creating a medicolegal investigation examining board; licensure of medical examiners and medicolegal investigation staff members; extending the time limit for emergency rule procedures; providing an exemption from emergency rule procedures; granting rule-making authority; making an appropriation; and providing criminal penalties					

### Assumptions Used in Arriving at Fiscal Estimate

Under current law, coroners or medical examiners investigate certain deaths and have various duties and powers specified by law related to deaths occurring in this state, including receiving reports of deaths, participating in inquest proceedings, determining causes of death, ordering autopsies, administering provisions related to making anatomical gifts, and issuing cremation permits. Current law provides for the election of coroners for four-year terms by the electors of each county or of more than one county in certain cases, except that a county with a population of 500,000 or more must, and a county with a population of less than 500,000 may, abolish the office of coroner and establish a medical examiner system. Under the medical examiner system, a medical examiner is appointed by the county board or, in populous counties, by the county executive. Current law does not otherwise specify any particular requirements that an individual must fulfill in order to hold the office of coroner or to be appointed as a medical examiner.

The bill establishes a prohibition against performing a death investigation or performing the functions of a medical examiner or a person who assists a coroner or medical examiner with a death investigation (medicolegal investigation staff member) without a license in medicolegal investigation issued by the Medicolegal Investigation Examining Board, except that the bill exempts coroners and certain accredited medical examiners from this requirement. Any person who violates the prohibition may be subject to a fine of not more than \$1,000 and imprisonment of up to 90 days.

### Analysis

The Department of Corrections is unable to determine the fiscal impact of the bill as it cannot predict the number of people that will be sentenced and the sentencing practices of judges from the creation of this new crime.

Under this bill, the maximum punishment for this new crime is 90 days imprisonment. Thus, people cannot be sent to a state prison for committing this crime.

People can be sentenced to probation for committing this crime. If there is a large increase in the number of offenders placed on probation, additional community corrections funding and/or positions may be necessary to handle the population.

People can also be sentenced to county jail. The local fiscal impact of the bill cannot be predicted because the Department of Corrections cannot predict the number of people that will be sentenced and the sentencing practices of judges under the new law. The average FY15 annual cost to jail an adult inmate was \$18,800.

### Long-Range Fiscal Implications