

SECOND REGULAR SESSION

# SENATE BILL NO. 1113

91ST GENERAL ASSEMBLY

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INTRODUCED BY SENATOR CASKEY.

Read 1st time February 6, 2002, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

4486S.011

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## AN ACT

To repeal sections 58.096, 58.260, 58.270, 58.280, 58.290, 58.310, 58.330, 58.340, 58.360, 58.410 and 58.430, RSMo, relating to coroners, and to enact in lieu thereof eleven new sections relating to the same subject, with penalty provisions.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 58.096, 58.260, 58.270, 58.280, 58.290, 58.310, 58.330, 58.340, 58.360, 58.410 and 58.430, RSMo, are repealed and eleven new sections enacted in lieu thereof, to be known as sections 58.096, 58.260, 58.270, 58.280, 58.290, 58.310, 58.330, 58.340, 58.360, 58.410 and 58.430, to read as follows:

58.096. **1.** Each deputy county coroner, upon certification by the county officials training commission of attendance at a training program required by the provisions of section 67.130, RSMo, shall receive annual compensation, in addition to other compensation, of one thousand dollars per year so long as section 67.130, RSMo, remains in effect. This additional compensation shall be paid in the same manner and at the same times as other compensation is paid to the deputy county coroner. The provisions of this section shall not permit or require a reduction in the amount of compensation received by any person holding the office of deputy county coroner on January 1, 1989.

**2. Each deputy coroner, upon commissioning, shall attend the next available training program provided by the professional association of the county coroners of Missouri.**

**3. Any salary authorized shall be payable to the deputy coroner only if the deputy coroner has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the coroner's office when approved by a**

**professional association of the county coroners of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each deputy coroner who completes the training program and shall send a list of certified deputy coroners to the treasurer of each county. Expenses incurred for attending the training session may be reimbursed to the deputy coroner in the same manner as other expenses as may be appropriated for that purpose.**

58.260. Every coroner, [so soon as he shall be notified] **having been notified** of the dead body of any person, supposed to have come to his death by violence or casualty, being found within his county, [shall] **may** make out his warrant, directed to the sheriff of the county where the dead body is found, requiring him forthwith to summon a jury of six good and lawful citizens of the county, to appear before such coroner, at the time and place in his warrant expressed, and to inquire[, upon a view of the body of the person there lying dead,] how and by whom he came to his death.

58.270. The sheriff to whom such warrant shall be directed shall forthwith execute the same, and shall repair to the place where [the dead body is,] **the inquest is to be held** at the time mentioned, and make return of the warrant, with his proceedings thereon, to the coroner who granted the same.

58.280. Any sheriff failing to execute such warrant or to return the same shall forfeit and pay the sum of [eight] **five hundred** dollars.

58.290. Every person summoned as a juror, who shall fail to appear, or make a reasonable excuse to the coroner for his nonattendance, within five days after the time appointed within the warrant, shall forfeit and pay the sum of five **hundred** dollars, which fine shall be recoverable by civil action at the instance of the coroner, and in the name of the state, before any associate circuit judge, and be applied to the use of the county.

58.310. As soon as the jury shall be sworn, the coroner shall give them a charge, upon their oaths, to declare of the death of the person, whether he died by felony or accident; and if of felony, who were the principals and who were accessories, **and if the act was justified**, and all the material circumstances relating thereto; and if by accident, whether by the act of man, and the manner thereof, and who was present, and who was the finder of the body, and whether he was killed in the same place where the body was found, and, if elsewhere, by whom, and how the body was brought there, and all other circumstances relating to the death; and if he died of his own act, then the manner and means thereof, and the circumstances relating thereto.

58.330. Every coroner shall be empowered to issue his summons for witnesses, **and such evidence, documents and materials of substance**, commanding them to come before him to be examined, and to declare their knowledge concerning the matter in question.

58.340. He shall administer to them an oath or affirmation in form as follows:

You do swear (or affirm) that the evidence you shall give to the inquest, concerning the death of the person here [lying] dead, shall be the truth, the whole truth, and nothing but the truth.

58.360. The jury, having viewed the body **by photographic, electronic or other means**, heard the evidence, and made all the inquiry in their power, shall draw up and deliver to the coroner their verdict upon the death under consideration, in writing under their hand, and the same shall be signed by the coroner.

58.410. If any witness so attached shall show reasonable excuse for not appearing, as required by the subpoena, he shall be discharged, either with or without the payment of the costs of the attachment, at the discretion of the coroner, but if he fail to show any good and sufficient reason for not attending, he shall be fined in such sum as the coroner shall think reasonable to impose, not exceeding [ten] **one thousand** dollars, and may be committed to the city or county jail until such fine and costs are paid, in like manner as persons may be committed for the nonpayment of fine and costs in criminal cases, and any fine so imposed and collected shall be paid into the school fund of the county or city in which the coroner holds his position.

58.430. When a writ of attachment, issued by the coroner, shall be executed, the officer may discharge such witness on his entering into recognizance to the state of Missouri, with sufficient bond, in the sum of [one] **five** hundred dollars, with one or more sureties signing the same. The officer executing the writ is hereby authorized to take the same, providing for the appearance and due attendance of such witness, according to the command of such writ.

Bill

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