

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 2429*

Short Title: Expand Medical Examiner Jurisdiction/Funds. (Public)

Sponsors: Representatives Martin, Glazier (Primary Sponsors); Barnhart, Coleman, Daughtry, Kiser, Lucas, McComas, Pate, Rapp, Tillis, Underhill, Wainwright, R. Warren, West, Williams, and Wray.

Referred to: Homeland Security, Military, and Veterans Affairs, if favorable, Appropriations.

May 26, 2008

A BILL TO BE ENTITLED

1 AN ACT TO EXPAND THE JURISDICTION OF MEDICAL EXAMINERS TO
2 INCLUDE DEATHS THAT OCCUR AT FACILITIES OPERATED BY OR ON
3 BEHALF OF THE DIVISION OF MENTAL HEALTH, DEVELOPMENTAL
4 DISABILITIES, AND SUBSTANCE ABUSE SERVICES AS RECOMMENDED
5 BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS
6 AND DISASTER MANAGEMENT RECOVERY.
7

8 The General Assembly of North Carolina enacts:

9 **SECTION 1.** G.S. 130A-383(a) reads as rewritten:

10 "**§ 130A-383. Medical examiner jurisdiction.**

11 (a) Upon the death of any person resulting from violence, poisoning, accident,
12 suicide or homicide; occurring suddenly when the deceased had been in apparent good
13 health or when unattended by a physician; occurring in a jail, prison, correctional
14 institution or in police custody; occurring in any facility operated by, or on behalf of,
15 the Division of Mental Health, Developmental Disabilities, and Substance Abuse
16 Services of the Department of Health and Human Services; occurring pursuant to
17 Article 19 of Chapter 15 of the General Statutes; or occurring under any suspicious,
18 unusual or unnatural circumstance, the medical examiner of the county in which the
19 body of the deceased is found shall be notified by a physician in attendance, hospital
20 employee, law-enforcement officer, funeral home employee, emergency medical
21 technician, relative or by any other person having suspicion of such a death. No person
22 shall disturb the body at the scene of such a death until authorized by the medical
23 examiner unless in the unavailability of the medical examiner it is determined by the
24 appropriate law enforcement agency that the presence of the body at the scene would
25 risk the integrity of the body or provide a hazard to the safety of others. For the limited
26 purposes of this Part, expression of opinion that death has occurred may be made by a

1 nurse, an emergency medical technician or any other competent person in the absence of
2 a physician."

3 **SECTION 2.** There is appropriated from the General Fund to the Division of
4 Mental Health, Developmental Disabilities, and Substance Abuse Services of the
5 Department of Health and Human Services the sum of one hundred fifty-eight thousand
6 three hundred fifty-one dollars (\$158,351) in recurring funds for the 2008-2009 fiscal
7 year to implement this act.

8 **SECTION 3.** This act becomes effective July 1, 2008.