

House Bill 1226

By: Representatives Howard of the 118th, Snow of the 2nd, Anderson of the 116th and Allen of the 117th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 4 of Chapter 16 of Title 45 of the Official Code of Georgia Annotated,
2 relating to the office of medical examiner, so as to change certain provisions relating to
3 abolition of the office of coroner and the qualifications, appointment, compensation, powers,
4 and duties of medical examiners; to provide for abolishment of certain offices of medical
5 examiners and establishment of offices of coroners in lieu thereof; to provide for filling of
6 vacancies; to provide for elections and terms of office; to provide for effectiveness of certain
7 provisions contingent upon ratification of a constitutional amendment; to provide for
8 automatic repeal of certain provisions otherwise; to repeal conflicting laws; and for other
9 purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Article 4 of Chapter 16 of Title 45 of the Official Code of Georgia Annotated, relating to the
13 office of medical examiner, is amended by striking Code Section 45-16-80, relating to
14 abolition of the office of coroner and the qualifications, appointment, compensation, powers,
15 and duties of medical examiners, and inserting in lieu thereof the following:

16 "45-16-80.

17 (a) In any county of this state for which the General Assembly by local law ~~is authorized~~
18 ~~to abolish~~ abolished the office of coroner and ~~establish~~ established in lieu thereof the office
19 of medical examiner pursuant to former provisions of this Code section, ~~which medical~~
20 ~~examiner shall have the qualifications, powers, and duties provided in this Code section,~~
21 ~~and who shall be appointed and compensated and have the expenses of office paid as~~
22 ~~provided in this Code section. The local law abolishing the office of coroner shall specify~~
23 ~~the effective date of such abolition, which date shall be the date the office of medical~~
24 ~~examiner is established for the county to which that local law is applicable~~ which local law
25 was in effect on December 31, 2002, the office of medical examiner is abolished and the
26 office of coroner is established in lieu thereof effective January 1, 2003. Such office of

1 coroner shall be deemed vacant as of January 1, 2003, and such initial vacancy shall be
2 filled in accordance with Code Section 45-16-2. Successors shall be elected as provided
3 by Code Section 45-16-1. The terms for each office of coroner established under this
4 subsection, including the initial term, shall be concurrent with those of the clerk of the
5 superior court of such county.

6 ~~(b) A local law abolishing the office of coroner pursuant to this Code section shall comply~~
7 ~~with the provisions of Code Section 1-3-11, requiring approval in referendums to abolish~~
8 ~~certain offices.~~

9 ~~(c) To be eligible for the office of medical examiner, as established pursuant to this Code~~
10 ~~section, a person shall:~~

11 ~~(1) Have a doctor of medicine degree and be licensed to practice medicine under the~~
12 ~~provisions of Chapter 34 of Title 43;~~

13 ~~(2) Be eligible for certification by the American Board of Pathology; and~~

14 ~~(3) Have at least one year of medico-legal training or one year of active experience in a~~
15 ~~scientific field in which legal or judicial procedures are involved at the county, state, or~~
16 ~~federal level.~~

17 ~~(d) The requirements for medical examiners established pursuant to paragraphs (2) and (3)~~
18 ~~of subsection (c) of this Code section may be waived by the governing authority of any~~
19 ~~county in which the office of medical examiner is established pursuant to this Code section~~
20 ~~but may not be waived for any person for a longer period than one year.~~

21 ~~(e) The medical examiner for any county in which the office of medical examiner is~~
22 ~~established pursuant to this Code section shall be appointed by the governing authority of~~
23 ~~that county, shall serve at the pleasure of that governing authority, shall be compensated~~
24 ~~in an amount determined by that governing authority, and all expenses of the office of such~~
25 ~~medical examiner shall, subject to county budgetary limitations, be paid from the general~~
26 ~~funds of that county.~~

27 ~~(f) All of the functions, powers, rights, and duties of and heretofore exercised by the~~
28 ~~coroner of a county for which is established the office of medical examiner pursuant to this~~
29 ~~Code section with reference to post-mortem examinations and autopsies shall be performed~~
30 ~~and exercised by the medical examiner of that county, except that medical examiner shall~~
31 ~~have no authority to summon and impanel a jury to hold inquests.~~

32 ~~(g) A medical examiner whose office is established for a county pursuant to this Code~~
33 ~~section shall be authorized to perform all of the functions prescribed for a coroner under~~
34 ~~the provisions of Article 2 of this chapter, the "Georgia Death Investigation Act," except~~
35 ~~that medical examiner shall have no authority to summon and impanel a jury to hold~~
36 ~~inquests.~~

1 ~~(h) The provisions of Article 2 of this chapter, the "Georgia Death Investigation Act,"~~
2 ~~including but not limited to the penalty provisions, shall apply in all cases regarding a~~
3 ~~medical examiner whose office is established pursuant to this Code section, except the~~
4 ~~provisions relating to the holding of inquests shall not apply.~~

5 ~~(i) A medical examiner whose office is established for a county pursuant to this Code~~
6 ~~section shall not be required to meet any county residency requirements established by~~
7 ~~Code Section 45-2-1.~~

8 ~~(j)(b)~~ Nothing in this Code section shall be construed to affect any medical examiner
9 whose office was established or authorized by any amendment to the Constitution
10 continued pursuant to Article XI, Section I, Paragraph IV of the Constitution."

11 **SECTION 2.**

12 Section 1 of this Act shall become effective January 1, 2003, upon ratification of a resolution
13 at the November, 2002, state-wide general election which amends the Constitution so as to
14 provide that a coroner shall be a county office where such office has not been abolished by
15 local constitutional amendment and for the election, term, qualifications, powers, and duties
16 thereof. If such a resolution is not so ratified, Section 1 of this Act shall not become effective
17 and shall stand repealed on January 1, 2003.

18 **SECTION 3.**

19 All laws and parts of laws in conflict with this Act are repealed.