

The House Committee on Special Judiciary offered the following substitute to SB 214:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 16 of Title 45 of the Official Code of Georgia Annotated,
2 relating to death investigations, so as to change a definition; to provide that the chief medical
3 examiner of the Division of Forensic Sciences of the Georgia Bureau of Investigation and
4 district attorneys shall have the authority to disinter bodies under certain circumstances; to
5 provide for related matters; to provide an effective date; to repeal conflicting laws; and for
6 other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 2 of Chapter 16 of Title 45 of the Official Code of Georgia Annotated, relating to
10 death investigations, is amended by striking paragraph (13) of Code Section 45-16-21,
11 relating to definitions, and inserting in lieu thereof the following:

12 "(13) 'Regional medical examiner' means a medical examiner who is employed by the
13 Georgia Bureau of Investigation and who is a pathologist ~~certified in forensic pathology~~
14 ~~by the American Board of Pathology~~ appointed by the chief medical examiner pursuant
15 to Code Section 35-3-153."

16 **SECTION 2.**

17 Said article is further amended by striking Code Section 45-16-45, relating to authority of
18 coroners and medical examiners to disinter bodies, and inserting in lieu thereof the following:

19 "45-16-45.

20 (a) In order to implement this article, coroners and the chief medical examiner are
21 authorized to disinter any body already buried and, like a sheriff, to command the power
22 of the county for that purpose. Prior to the disinterment of a body, the chief medical
23 examiner shall notify the coroner of the county, if any, in which the body is located.

24 (b) ~~Medical examiners, other than local County~~ County medical examiners; and district attorneys
25 may likewise exercise such authority in any case wherein such authority is granted by an

1 order of the judge of the superior court of the county. Such orders may be granted by
2 judges of the superior courts, in their discretion, upon petition of ~~any~~ a county medical
3 examiner ~~other than a local medical examiner.~~

4 (c) Upon the issuance of an order under subsection (a) or (b) of this Code section, the
5 county board of health shall issue all necessary permits to disinter and reinter the body.

6 (d) Whenever any coroner, chief medical examiner, county medical examiner, or district
7 attorney disinters any body, he or she shall provide written notice to the living spouse,
8 parents, and children of the person whose remains are to be disinterred of the time the
9 disinterment is scheduled to occur unless such person is unknown or under criminal
10 investigation in connection with disinterment."

11 **SECTION 3.**

12 This Act shall become effective upon its approval by the Governor or upon its becoming law
13 without such approval.

14 **SECTION 4.**

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