

Senate Bill 383

By: Senators Davis of the 22nd, Stone of the 23rd, Bethel of the 54th and Miller of the 49th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 45-16-25 of the Official Code of Georgia Annotated, relating to
2 duties of coroner or county medical examiner upon receipt of notice of suspicious or unusual
3 death, authority to embalm body, identification, inventory and disposition of deceased's
4 property, use of deceased's property for evidence, and autopsy when death occurs on state
5 owned property, so as to provide that items of value of a deceased person of which a coroner
6 or medical examiner takes possession shall not be converted to the coroner or medical
7 examiner's personal use; to provide that objects of value of which the coroner or medical
8 examiner takes possession for use in determining the cause or manner of death of the
9 deceased or to identify the deceased shall be returned to the next of kin of the deceased when
10 no longer needed in the investigation or for evidence in a prosecution; to provide for related
11 matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 style="text-align:center">**SECTION 1.**

14 Code Section 45-16-25 of the Official Code of Georgia Annotated, relating to duties of
15 coroner or county medical examiner upon receipt of notice of suspicious or unusual death,
16 authority to embalm body, identification, inventory and disposition of deceased's property,
17 use of deceased's property for evidence, and autopsy when death occurs on state owned
18 property, is amended by revising subsection (c) as follows:

19 "(c) The coroner or county medical examiner shall, in the absence of the next of kin of the
20 deceased person, take possession of all property of value found on such person, make an
21 exact inventory thereof on his or her report, and surrender the same to the person entitled
22 to its custody or possession. In no circumstance shall the property be converted to the
23 personal use of the coroner or county medical examiner. The coroner, medical examiner,
24 or peace officer shall take possession of any objects, anatomical specimens, or articles
25 which, in his or her opinion, may be helpful in establishing the cause of death, manner of
26 death, or identification of the deceased; and in cooperation with a forensic laboratory he

27 or she may make such tests and examinations of said objects, specimens, or articles as may
28 be necessary or useful in determining the cause of death, manner of death, or the identity
29 of the deceased. At his or her discretion, the medical examiner or coroner may dispose of
30 such objects, specimens, or articles when the medical examiner's or coroner's need for their
31 retention has ended, provided that any objects of value shall be returned to the next of kin
32 of the deceased when no longer needed in the investigation or for evidence in a
33 prosecution. In the event that a criminal prosecution arises, all such objects and articles
34 together with reports of any examinations made upon them shall be retained in the custody
35 of the investigating agency or the forensic laboratory which conducted the examination
36 until their production as evidence is required by the prosecuting officer or upon written
37 order of the peace officer in charge or court having proper jurisdiction."

38 **SECTION 2.**

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

41 **SECTION 3.**

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