

The House Committee on Judiciary Non-civil offers the following substitute to SB 383:

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 property of value of a deceased person of which a  
6 coroner or medical examiner takes possession shall not be converted to the coroner or  
7 medical examiner's personal use; to provide that property of value of which the coroner or  
8 medical examiner takes possession for use in determining the cause or manner of death of  
9 the deceased or to identify the deceased shall be returned to the next of kin of the deceased  
10 when no longer needed in the investigation or for evidence in a prosecution; to provide for  
11 penalties; to provide for related matters; to provide an effective date; to repeal conflicting  
12 laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

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

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

27 helpful in establishing the cause of death, manner of death, or identification of the  
28 deceased; and in cooperation with a forensic laboratory he or she may make such tests and  
29 examinations of said objects, specimens, or articles as may be necessary or useful in  
30 determining the cause of death, manner of death, or the identity of the deceased. At his or  
31 her discretion, the medical examiner or coroner may dispose of such objects, specimens,  
32 or articles when the medical examiner's or coroner's need for their retention has ended,  
33 provided that any property of value shall be returned to the next of kin of the deceased  
34 when no longer needed in the investigation or for evidence in a prosecution. Any coroner  
35 who converts property of a deceased to his or her personal use shall be guilty of a violation  
36 of Code Section 16-18-4 and upon conviction shall be punished as provided in paragraph  
37 (3) of subsection (a) of Code Section 16-18-12. In the event that a criminal prosecution  
38 arises, all such objects and articles together with reports of any examinations made upon  
39 them shall be retained in the custody of the investigating agency or the forensic laboratory  
40 which conducted the examination until their production as evidence is required by the  
41 prosecuting officer or upon written order of the peace officer in charge or court having  
42 proper jurisdiction."

43 **SECTION 2.**

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

46 **SECTION 3.**

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