
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 509

Session of
1979

INTRODUCED BY KURY (BY REQUEST), MARCH 20, 1979

REFERRED TO PUBLIC HEALTH AND WELFARE, MARCH 20, 1979

AN ACT

1 Establishing the Medicolegal Investigations Commission and the
2 Office of Medical Examiner, prescribing their powers and
3 duties and providing penalties.

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19 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 Section 1. Short title.

3 This act shall be known and may be cited as the "Medicolegal
4 Investigations Act."

5 Section 2. Commission established.

6 (a) There is hereby established an independent
7 administrative commission to be known as the "Medicolegal
8 Investigations Commission."

9 (b) (1) The commission shall consist of the following nine
10 members:

11 (i) Two full professors of pathology.

12 (ii) Two full professors of law.

13 (iii) One member of the Pennsylvania Medical
14 Society.

15 (iv) One member of the Pennsylvania Bar Association.

16 (v) Two members representing the public at large.

17 (vi) The Secretary of Health, ex officio.

18 (2) The Governor shall appoint, with the advice and
19 consent of a majority of the Senate, the two full professors
20 of pathology and the two full professors of law from a panel
21 of not less than four such professors in the field of
22 medicine and four such professors in the field of law
23 recommended by a committee composed of the deans of the
24 recognized schools and colleges of medicine and of law in the
25 Commonwealth; the member of the Pennsylvania Medical Society
26 from a panel of not less than three members of that society
27 recommended by the society; the member of the Pennsylvania
28 Bar Association from a panel of not less than three members
29 of that association recommended by the association.

30 (3) Of the members first appointed, one professor of

1 pathology, one professor of law, the member of the
2 Pennsylvania Medical Society, and one member of the public
3 shall serve for six years and until their successors are
4 appointed and qualified, and one professor of pathology, one
5 professor of law, the member of the Pennsylvania Bar
6 Association and one member of the public shall serve for
7 three years, and until their successors are appointed and
8 qualified. All appointments to full terms subsequent to the
9 initial appointments shall be for six years. Vacancies shall
10 be filled for the expiration of the term of the member being
11 replaced in the same manner as original appointments. Members
12 shall be eligible for reappointment under the same conditions
13 as are applicable to initial appointments.

14 (c) The commission shall elect annually one of its members
15 as chairman and one as vice chairman. Members of the commission
16 shall receive no compensation but shall be reimbursed for their
17 actual expenses incurred in service on the commission. The
18 commission shall meet at least once each year and oftener as its
19 duties require, upon the request of any two members. The
20 commission shall adopt its own rules for the conduct of its
21 meetings. The commission may promulgate regulations necessary or
22 appropriate to carry out its duties under this act.

23 Section 3. Office of the Medical Examiner.

24 The Office of the Medical Examiner is established to be
25 operated under the control and supervision of the commission.
26 The expenses of the commission and of operation of said office
27 shall be paid by the commission out of funds appropriated for
28 the purpose. The office shall be directed by a chief medical
29 examiner who shall be appointed by the commission. His office
30 shall be located at a medical school in this Commonwealth.

1 Section 4. Chief medical examiner.

2 The chief medical examiner shall be a doctor of medicine
3 licensed to practice medicine in the Commonwealth and shall have
4 had a minimum of four years post graduate training in pathology
5 and such additional subsequent experience in forensic pathology
6 as the commission may determine. However, any person otherwise
7 qualified who is not licensed to so practice may be appointed
8 chief medical examiner, if he shall obtain such a license within
9 one year of his appointment. His term of office and annual
10 salary shall be fixed by the commission and he may be removed by
11 the commission only for cause. Under the direction of the
12 commission, he shall prepare for transmission to the Budget
13 Secretary estimates of expenditure requirements. He may as part
14 of his duties teach medical and law school classes, conduct
15 special classes for police investigators and engage in other
16 activities related to the work of his office to such extent and
17 on such terms as may be authorized by the commission.

18 Section 5. Deputy medical examiner and other staff.

19 The chief medical examiner, with the approval of the
20 commission, shall appoint a deputy who shall perform all the
21 duties of the chief medical examiner in case of his sickness or
22 absence, and such assistant medical examiners, pathologists,
23 toxicologists, laboratory technicians and other professional
24 staff as the commission may specify. The commission in advance
25 of appointments shall specify the qualifications required for
26 each position, in terms of education, experience and other
27 relevant considerations, and shall submit recommendations
28 concerning salaries and compensation of such professional staff
29 to the personnel policy board. The chief medical examiner, the
30 deputy medical examiner and assistant medical examiner shall

1 take the oath provided by law for public officers. Other staff
2 members as determined by the commission shall be appointed by
3 the chief medical examiner, to the rules of the commission not
4 inconsistent therewith.

5 Section 6. Powers and duties.

6 (a) The chief medical examiner shall investigate all human
7 deaths in the following categories:

8 (1) Violent deaths, whether apparently homicidal,
9 suicidal or accidental, including but not limited to deaths
10 due to thermal, chemical, electrical or radiational injury
11 and deaths due to illegal abortion, whether apparently self-
12 induced or not.

13 (2) Sudden or unexpected deaths not caused by readily
14 recognizable disease.

15 (3) Deaths under suspicious circumstances.

16 (4) Deaths of persons whose bodies are to be cremated,
17 buried at sea or otherwise disposed of so as to be thereafter
18 unavailable for examination.

19 (5) Deaths related to disease resulting from employment
20 or to accident while employed.

21 (6) Deaths related to disease which might constitute a
22 threat to public health.

23 (b) The chief medical examiner shall designate pathologists
24 who are certified by the Department of Health to perform
25 autopsies in connection with the investigation of any deaths in
26 the categories listed in subsection (a). The Attorney General,
27 any district attorney, coroner, deputy coroner, the chief
28 medical examiner or an authorized assistant medical examiner
29 shall have the right to require an autopsy by a pathologist so
30 designated in any case in which there is a suspicion that death

1 resulted from a criminal act. The official requiring said
2 autopsy shall make a reasonable effort to notify whichever one
3 of the following persons, 18 years of age or older, assumes
4 custody of the body for purposes of burial: father, mother,
5 husband, wife, child, guardian, next of kin, friend or any
6 person charged by law with the responsibility for burial, that
7 said autopsy has been required, however performance of said
8 autopsy need not be delayed pending such notice.

9 (c) If the investigation of the circumstances and
10 examination of the body enable the chief medical examiner, the
11 deputy medical examiner or an authorized assistant medical
12 examiner to conclude with reasonable certainty that death
13 occurred from natural causes or obvious traumatic injury, and
14 there are no other circumstances which would appear to require
15 an autopsy, the medical examiner in charge shall certify the
16 cause of death and file a report of his findings in the office
17 of the medical examiner. If, in the opinion of such medical
18 examiner, an autopsy is necessary, the same shall be performed
19 by the chief medical examiner, the deputy medical examiner or a
20 designated pathologist. Where indicated, the autopsy shall
21 include toxicologic, histologic, microbiologic and serologic
22 examinations. If a medical examiner has reason to suspect that a
23 homicide has been committed, the autopsy shall be performed by
24 the chief medical examiner, or the deputy medical examiner, or
25 by a designated pathologist in the presence of at least one
26 other designated pathologist, if such other pathologist is
27 immediately available. A detailed description of the findings of
28 all autopsies shall be written or dictated during their
29 progress. The findings of the investigation at the scene of
30 death, the autopsy and any toxicologic, histologic, serologic

1 and microbiologic examinations, and the conclusions drawn
2 therefrom shall be filed in the office of the medical examiner.
3 Section 7. Reports of deaths.

4 (a) The Attorney General, all law enforcement officers,
5 district attorneys, coroners, deputy coroners, other officials,
6 physicians, funeral directors, embalmers and other persons shall
7 promptly notify the office of the medical examiner of any death
8 coming to their attention which, under this act, is subject to
9 investigation by the chief medical examiner and shall assist in
10 making dead bodies and related evidence available to that office
11 for investigations and postmortem examinations, including
12 autopsies, and shall cooperate fully with said office in making
13 the investigations and examinations herein provided for. In the
14 conduct of such investigations or examinations, the chief
15 medical examiner may issue subpoenas requiring the production of
16 medical reports, records or other documents concerning the death
17 under investigation and compelling the attendance and testimony
18 of any person having pertinent knowledge of such death.

19 (b) In cases of apparent homicide or suicide, or of
20 accidental death, the cause of which is obscure, the scene of
21 the event shall not be disturbed until authorized by the chief
22 medical examiner, or an authorized assistant medical examiner.
23 Upon receipt of notification of a death as provided herein, the
24 chief medical examiner or an authorized assistant medical
25 examiner, without delay, shall view and take charge of the body.

26 (c) In conducting his investigation, except as may be
27 otherwise directed by the Attorney General or district attorney,
28 the chief medical examiner or his authorized representative
29 shall take possession of any objects, writings or other articles
30 of property which in his opinion may be useful in establishing

1 the cause or manner of death and hold, analyze or deliver them
2 to the appropriate law enforcement officials. When such articles
3 are no longer required to be kept for the purposes of justice,
4 they shall be delivered to the person or persons entitled to
5 their custody or, if they are not claimed by such person or
6 persons entitled thereto within one year after the date of
7 death, such articles may be disposed of by the law enforcement
8 official in the same manner as other unclaimed property.

9 (d) Any person who willfully fails to comply with any
10 provision of this section shall be guilty of a misdemeanor of
11 the third degree.

12 Section 8. Disposition of body after proceedings.

13 After the termination of all proceedings for which the body
14 is required by the chief medical examiner or an authorized
15 assistant medical examiner, the body shall be delivered
16 forthwith to a person or persons entitled by law to receive the
17 same. If there are no such persons who will take charge of and
18 dispose of the body, then to the proper authorities of the
19 county in which the body is lying, whose duty it shall be to
20 dispose of it. Whenever the deceased person has not left
21 property sufficient to defray the expenses of disposition of the
22 body, the same shall be paid by such county.

23 Section 9. Issuance of death certificate.

24 The office of the medical examiner shall complete its
25 investigation where reasonably possible, within 30 days. Upon
26 completion of the investigation, the chief medical examiner or
27 an authorized assistant medical examiner shall file a death
28 certificate, or a certificate supplementing that already filed,
29 with the Bureau of Vital Statistics. If the deceased is
30 unidentified, fingerprints of both hands and a photograph of the

1 body, provided mortification has not proceeded so far or the
2 nature of the cause of death was not such as to make
3 identification impossible, shall be sent by said office to such
4 Bureau of Vital Statistics and copies shall be sent to the
5 Department of Health and to the Pennsylvania State Police.

6 Section 10. Laboratories.

7 The office of the medical examiner shall maintain a
8 laboratory or laboratories suitably equipped with medical,
9 scientific and other facilities for performance of the duties
10 imposed by this act. Laboratories may be maintained in
11 collaboration with any medical school or hospital and any other
12 agencies in the Commonwealth which have facilities that can be
13 utilized in performing the duties of the office. The manner of
14 compliance with this section shall be in the discretion of the
15 commission.

16 Section 11. Records.

17 The office of the medical examiner shall keep full and
18 complete records properly indexed, giving the name, if known, of
19 every person whose death is investigated, the place where the
20 body was found, the date, cause and manner of death, and all
21 other relevant information concerning the death, and a copy of
22 the death certificate. The full report and detailed findings of
23 the autopsy and toxicological and other scientific
24 investigation, if any, shall be a part of the record in each
25 case. The office shall promptly notify of such death and deliver
26 to the district attorney and the coroner having jurisdiction
27 over the case copies of all pertinent records relating to every
28 death as to which further investigation may be advisable. Any
29 district attorney, coroner, chief of police or other law
30 enforcement official may, upon request, secure copies of such

1 records or other information deemed necessary by him to the
2 performance of his official duties. The report of examinations
3 conducted by the chief medical examiner, deputy medical examiner
4 or an authorized assistant medical examiner, and of the autopsy
5 and other scientific findings may be made available to the
6 public only through the office of the medical examiner and in
7 accordance with the regulations of the commission. Any person
8 may obtain copies of such records upon such conditions and
9 payment of such fees as may be prescribed by the commission;
10 however no person with a legitimate interest therein shall be
11 denied access to such records. Upon application by the chief
12 medical examiner or district attorney to the court of common
13 pleas of the county in which the death occurred, or to any judge
14 of the said court may limit such disclosure to the extent that
15 there is a showing by the chief medical examiner or district
16 attorney of compelling public interest against disclosure of any
17 particular document or documents. In the discretion of the
18 commission, public authorities, professional, medical, legal or
19 scientific bodies or universities or similar research bodies may
20 have access to all records upon such conditions and payment of
21 such fees as may be prescribed by the commission. Where such
22 information is made available for scientific or research
23 purposes, such conditions shall include a requirement that the
24 identity of the deceased persons shall remain confidential and
25 shall not be published.

26 Section 12. Records as evidence.

27 The records of the office of the medical examiner, or
28 transcripts thereof certified by the chief medical examiner or
29 his authorized representative, shall be subject to subpoena and
30 shall be admissible in evidence in any court of the

1 Commonwealth. The findings or conclusions of the chief medical
2 examiner, his deputy or an assistant medical examiner as to the
3 cause or circumstances of death, other than those set forth in
4 the death certificate or the autopsy report, and statements by
5 witnesses or other persons and conclusions upon extraneous
6 matters shall not be admissible.

7 Section 13. Exhuming of bodies.

8 If death occurred under circumstances as enumerated in
9 subsection (a) of section 6 and if the body has been buried
10 without proper certification of death, the chief medical
11 examiner, or his deputy, upon ascertaining such facts, shall
12 notify the district attorney of the county in which the body was
13 buried and the district attorney shall thereupon present such
14 facts to the court of common pleas of such county, and the court
15 may by written order require the body to be exhumed and an
16 autopsy performed by the chief medical examiner or his
17 designated deputy. A copy of such order shall be filed with the
18 Bureau of Vital Statistics. A full and complete report of the
19 facts developed by such autopsy and the findings of the person
20 making the same shall be filed without unnecessary delay and a
21 copy given to the district attorney of the county within which
22 the death occurred or the body was buried.

23 Section 14. Effective date.

24 This act shall take effect in six months except that the
25 commission may be constituted and organized and a chief medical
26 examiner appointed immediately upon final enactment of this act.