

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. Senate Bill 1037

PRINTER NO. 1545

AMOUNT

See Fiscal Impact

FUND

Coroners' Education and Training
Account (Restricted Revenue)

Vital Statistics Improvement
Administration Account (Restricted Revenue)

DATE INTRODUCED

January 25, 2022

PRIME SPONSOR

Senator Regan

DESCRIPTION

Senate Bill 1037 amends Title 44 (Law and Justice) of the Pennsylvania Consolidated Statutes to restructure the Coroners' Education and Training Board.

This legislation amends Title 44 by adding a new Chapter 75 (Coroners) that establishes the Coroners' Education and Training Board (board) within the Pennsylvania Commission on Crime and Delinquency (PCCD).

Composition of the board shall be as follows:

- 1) The Executive Director of the PCCD or a designee;
- 2) Five coroners from different areas of the Commonwealth, each with a minimum of six years' experience as a coroner;
- 3) A physician coroner or other licensed health care professional coroner with a minimum of six years' experience as a coroner;
- 4) A board-certified forensic pathologist with a minimum of four years' experience as a forensic pathologist;
- 5) Two other forensic experts with a minimum of four years' experience in death investigations and experience as a toxicologist, an odontologist, an anthropologist or an entomologist;
- 6) One educator qualified in the field of criminal justice;
- 7) One county district attorney; and
- 8) The Executive Director of the Pennsylvania State Coroners Association (association), who shall serve as an ex officio member.

All members of the board, except for the executive directors of the PCCD and the association, shall be appointed as follows:

- 1) One coroner shall be appointed by each of the following from a list of 10 qualified persons recommended by the Pennsylvania Coroners' Association:

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- i. The Governor;
 - ii. The President Pro Tempore of the Senate;
 - iii. The Minority Leader of the Senate;
 - iv. The Speaker of the House of Representatives; and
 - v. The Minority Leader of the House of Representatives.
- 2) The physician coroner or other licensed health care professional coroner shall be appointed by the Governor from a list of three qualified persons recommended by the Pennsylvania Coroners' Association;
 - 3) The board-certified forensic pathologist shall be appointed by the Governor from a list of three qualified persons recommended by the Pennsylvania Coroners' Association;
 - 4) Of the other two forensic experts, one shall be appointed by the President Pro Tempore of the Senate, and one shall be appointed by the Speaker of the House of Representatives from a list of five qualified persons recommended by the Pennsylvania Coroners' Association;
 - 5) One educator qualified in the field of criminal justice shall be appointed by the Governor; and
 - 6) One county district attorney shall be appointed by the Governor.

The legislation provides for member appointments to fill a vacancy and removal of members for good cause. Members of the board shall serve without compensation but shall be reimbursed for necessary and actual expenses incurred in attending meetings and in the performance of their duties. The chair shall be selected by the members of the board.

The primary duties of the board are to establish an education and training program for county coroners, chief deputy coroners, deputy coroners and any other individuals performing death investigations. The board shall make an annual report to the Governor and to the General Assembly concerning the following:

- i. The administration of the Coroners' Education and Training program;
- ii. The activities of the board; and
- iii. The costs of the program.

The education and training program shall be no less than 40 hours and include a final examination and a continuing education program that is no less than 12 hours annually.

The legislation provides for specific coroner training requirements and chief deputy coroners, deputy coroners and any other individuals performing death investigations requirements. Noncompliance results in the position being deemed vacant.

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The legislation also provides that the board shall revoke the certification of any chief deputy coroner, deputy coroner and any other individual performing death investigations for one or more of the following:

- 1) Conviction for a felony or misdemeanor of the first degree or second degree;
- 2) If the board determines the individual was dismissed for cause from employment as a chief deputy coroner, deputy coroner and any other individual performing death investigations regardless of job title;
- 3) If the board determines the individual is physically or psychologically unfit to perform the duties of the office;
- 4) If the board determines the individual has committed misconduct which makes the person unfit to perform the duties of the office, including:
 - a. Submission to the board of a document that the individual knows contains false information, including a fraudulent application; or
 - b. Cheating on board examinations or skills tests.

The board shall revoke the certification of a coroner only after the coroner is removed from office.

The board shall establish regulations providing for the following:

- 1) Notice of a revocation and the right of coroners, any chief deputy coroner, deputy coroner and any other individual performing death investigations to request a hearing; and
- 2) Standards and guidelines for application for recertification following revocation.

The bill also establishes the Coroners' Education and Training Account (account) as a special restricted account within the General Fund. The account shall be funded through \$2 from the fee for each death certificate issued. These funds shall be deposited into the account for disbursements made by the commission.

The legislation provides that each county shall pay the ordinary and necessary living and travel expenses and the regular wages and per diem of each coroner, chief deputy coroner, deputy coroner and any other individual that performs death investigations while attending approved courses. The commission shall reimburse each county 100% of the stated expenses incurred while attending the basic education and training course, the national medicolegal death investigation certification course and continuing education courses. The commission shall provide for 100% of the tuition incurred while attending basic education and training, national medicolegal death investigation certification training and continuing education.

Finally, the legislation repeals the act of March 2, 1988 (P.L.108, No. 22), referred to as the Coroners' Education Board Law, in order to effectuate the addition of this new chapter.

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This act shall take effect in 60 days.

FISCAL IMPACT:

Training expenditures for PCCD’s Sheriffs and Deputy Sheriffs Education and Training Board, over the past three fiscal years, averaged \$3.5 million annually. Similarly, training costs for the Constables’ Education and Training Board, over the past three fiscal years, averaged \$1.3 million.

Based on the costs to run those boards, costs for the Coroner’s Board could total \$1 million annually (\$400,000 - \$450,000 for administrative staff needs; \$100,000 annually for curriculum development and the remainder for actual training costs).

The Coroners’ Education Board received a \$125,000 appropriation to the Attorney General’s Office in FY 2021-22. The Governor’s proposed budget for FY 2022-23 allocates \$25,000.

This legislation provides for \$2 from each \$20 fee for each death certificate issued by the Department of Health (department) to be deposited into the newly established Coroners’ Education and Training Account. According to the department, this will result in a negative fiscal impact of approximately \$2.1 million annually to the Vital Statistics Improvement Administration Restricted Revenue Account.