

1 AN ACT relating to arrest-related deaths.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 72.025 is amended to read as follows:

4 Coroners shall require a post-mortem examination to be performed in the following
5 circumstances:

6 (1) When the death of a human being appears to be caused by homicide or violence;

7 (2) When the death of a human being appears to be the result of suicide;

8 (3) When the death of a human being appears to be the result of the presence of drugs
9 or poisons in the body;

10 (4) When the death of a human being appears to be the result of a motor vehicle
11 accident and the operator of the motor vehicle left the scene of the accident or the
12 body was found in or near a roadway or railroad;

13 (5) When the death of a human being occurs while the person is in a state mental
14 institution or mental hospital when there is no previous medical history to explain
15 the death;

16 **(6) When the death of a human being occurs**~~[, or]~~ while the person is in police
17 custody, a jail or penal institution, **or is in the process of being arrested or en route**
18 **to being incarcerated;**

19 ~~(7)~~~~(6)~~ When the death of a human being occurs in a motor vehicle accident and
20 when an external examination of the body does not reveal a lethal traumatic injury;

21 ~~(8)~~~~(7)~~ When the death of a human being appears to be the result of a fire or
22 explosion;

23 ~~(9)~~~~(8)~~ When the death of a child appears to indicate child abuse prior to the death;

24 ~~(10)~~~~(9)~~ When the manner of death appears to be other than natural;

25 ~~(11)~~~~(10)~~ When human skeletonized remains are found;

26 ~~(12)~~~~(11)~~ When post-mortem decomposition of a human corpse exists to the extent that
27 external examination of the corpse cannot rule out injury or where the

- 1 circumstances of death cannot rule out the commission of a crime;
- 2 ~~(13)~~~~((12))~~ When the death of a human being appears to be the result of drowning;
- 3 ~~(14)~~~~((13))~~ When the death of an infant appears to be caused by sudden infant death
- 4 syndrome in that the infant has no previous medical history to explain the death;
- 5 ~~(15)~~~~((14))~~ When the death of a human being occurs as a result of an accident;
- 6 ~~(16)~~~~((15))~~ When the death of a human being occurs under the age of forty (40) and there
- 7 is no past medical history to explain the death;
- 8 ~~(17)~~~~((16))~~ When the death of a human being occurs at the work site and there is no
- 9 apparent cause of death such as an injury or when industrial toxics may have
- 10 contributed to the cause of death;
- 11 ~~(18)~~~~((17))~~ When the body is to be cremated and there is no past medical history to
- 12 explain the death;
- 13 ~~(19)~~~~((18))~~ When the death of a human being is sudden and unexplained; and
- 14 ~~(20)~~~~((19))~~ When the death of a human being occurs and the decedent is not receiving
- 15 treatment by a licensed physician and there is no ascertainable medical history to
- 16 indicate the cause of death.

17 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 72 IS CREATED TO

18 READ AS FOLLOWS:

- 19 **(1) When a post-mortem examination is required under subsection (6) of Section 1 of**
- 20 **this Act, the coroner or medical examiner shall provide notice of the death to the**
- 21 **Office of the Kentucky State Medical Examiner. The notice shall include, at a**
- 22 **minimum:**
- 23 **(a) The name, gender, race, ethnicity, and age of the deceased;**
- 24 **(b) The date, time, and location of death;**
- 25 **(c) The law enforcement agency that had custody of, detained, arrested, or was**
- 26 **in the process of arresting the deceased; and**
- 27 **(d) A description of the circumstances surrounding the death.**

1 (2) (a) The Office of the Kentucky State Medical Examiner shall publish on its
2 website an annual report by December 1 of each year that contains
3 information regarding deaths of which notice was received under
4 subsection (1) of this section, in sufficient detail to identify the deaths on a
5 county-by-county, statewide, and law enforcement agency, jail, or penal
6 intititution basis.

7 (b) The report shall not identify decedents by name, but shall include
8 information on the gender, race, ethnicity, and age of decedents.

9 ➔Section 3. KRS 72.020 is amended to read as follows:

10 (1) Any person, hospital, or institution, finding or having possession of the body of any
11 person whose death occurred under any of the circumstances defined in
12 ~~subsections (1) through (12) of~~ KRS 72.025(1) to (13), shall immediately notify
13 the coroner, or his or her deputy, and a law enforcement agency, which shall report
14 to the scene within a reasonable time. No person shall remove the body or remove
15 anything from the body until directed to do so by the coroner or his or her deputy,
16 after the law enforcement agency is present or has failed, within a reasonable period
17 of time, to respond.

18 (2) The coroner shall take possession of any objects, medical specimens, or articles
19 which, in his or her opinion, may be helpful in establishing the cause of death, and
20 he or she can make or cause to be made such tests and examinations of said objects
21 as may be necessary or useful in determining the cause of death. In the event that a
22 criminal prosecution arises, all such objects and articles together with reports of any
23 examinations made upon them, shall be retained by the coroner until their
24 production in evidence is required by the prosecuting authority, unless otherwise
25 directed by written order of the court in which such prosecution is pending.

26 (3) Upon final disposition of each criminal prosecution under this section, the court
27 shall by appropriate written order dispose of all objects retained under the

1 provisions of this section.

2 (4) If the law enforcement officer at the scene has probable cause to believe that one of
3 the conditions in subsection (1) of this section exists and the coroner refuses to
4 require a post-mortem examination, the officer shall immediately notify the county
5 or Commonwealth attorney who may proceed pursuant to KRS 72.445.

6 (5) In all cases listed under KRS 72.025 in which a licensed embalmer, funeral director,
7 or ambulance service is notified and is the first person at the scene of death other
8 than private citizens, he or she shall notify the coroner and if the death appears to
9 fall within the categories established in ~~subsections (1) through (12) of~~ KRS
10 72.025 (1) to (13), he or she shall notify a local law enforcement agency.