CHAPTER 11-19.1
MEDICAL COUNTY CORONER

11-19.1-01. Definitions.

As used in this chapter, unless the context otherwise requires:

1. "Autopsy" means the inspection or dissection of a deceased human body and retention of organs, tissue, or fluids for diagnostic, educational, public health, or research purposes.
2. "Casualty" means death arising from accidental or unusual means.
3. "City" means a city organized under the laws of this state.
4. "Physician" includes physicians and surgeons licensed under chapter 43-17.
5. "Reportable circumstances" includes one or more of the following factors:
   a. Obvious or suspected homicidal, suicidal, or accidental injury;
   b. Firearm injury;
   c. Severe, unexplained injury;
   d. Occupant or pedestrian motor vehicle injury;
   e. An injury to a minor;
   f. Fire, chemical, electrical, or radiation;
   g. Starvation;
   h. Unidentified or skeletonized human remains;
   i. Drowning;
   j. Suffocation, smothering, or strangulation;
   k. Poisoning or illegal drug use;
   l. Prior child abuse or neglect assessment concerns;
   m. Open child protection service case on the victim;
   n. Victim is in the custody of the department of health and human services, county social services, the department of corrections and rehabilitation or other correctional facility, or law enforcement;
   o. Unexplained death or death in an undetermined manner;
   p. Suspected sexual assault; or
   q. Any other suspicious factor.

11-19.1-02. County coroner.

Each organized county, unless it has adopted one of the optional forms of county government provided by this code, shall have the office of county coroner which said office shall be held by an officer chosen in the manner prescribed in this chapter.

11-19.1-03. Appointment of coroner - Term - Vacancy.

The board of county commissioners shall appoint a coroner for a term of five years. The board shall notify the state forensic examiner in writing of any appointment under this section. If the office of coroner becomes vacant by death, resignation, expiration of the term of office, or otherwise, or if the coroner becomes permanently unable to perform the duties of office, the board of county commissioners shall appoint a qualified individual to fill the vacancy, who shall give and take the oath of office as prescribed for coroners. If the duly appointed, qualified, and acting coroner is absent temporarily from the county or is unable to discharge the duties of office for any reason, the coroner may appoint an individual with the qualifications of coroner to act in the coroner's absence or disability, upon taking the prescribed oath for coroners.

11-19.1-04. Eligibility.

1. Subject to the qualifications, training, and continuing education requirements determined by the state forensic examiner, the following individuals are eligible to serve as coroner:
   a. A physician licensed under chapter 43-17;
   b. An advanced practice registered nurse or registered nurse licensed under chapter 43-12.1;

c. A physician assistant licensed under chapter 43-17; and
d. Any other individual determined by the state forensic examiner to be qualified to serve as coroner.

2. The coroner may appoint assistant or deputy coroners subject to the qualifications, training, and continuing education requirements determined by the state forensic examiner.

11-19.1-05. Appointment of assistant.

Repealed by S.L. 2009, ch. 212, § 17.

11-19.1-06. Individuals authorized to act in absence of coroner.

In those counties in which a coroner does not reside or is not available, the duties of a coroner must be performed by the sheriff, state highway patrol, or any special agent of the bureau of criminal investigation. The sheriff, state highway patrol, or special agent shall call upon a coroner or deputy coroner from another county to investigate the medical cause of death of all coroner cases within the county. In those situations in which, because of distance or adverse conditions, a coroner is not available, the sheriff, state highway patrol, or special agent shall request the state forensic examiner or the forensic examiner's designee to investigate and certify as to the medical cause of death.

11-19.1-07. Reports of death - Death of minor.

1. Any person who discovers the deceased human body or acquires the first knowledge of the death of any individual, and any physician with knowledge that an individual died as a result of criminal or violent means, died suddenly when in apparent good health in a suspicious or unusual manner, or died as the result of any other reportable circumstance, shall notify immediately the office of coroner or any law enforcement officer of the known facts concerning the time, place, manner, and circumstances of that death, and any other information that may be required pursuant to this chapter. Any person who violates this section is guilty of a class B misdemeanor.
2. Any person who discovers the deceased human body or acquires the first knowledge of the death of any minor who has received or is eligible to receive a birth record, when the minor died suddenly when in apparent good health, shall notify immediately law enforcement or the office of coroner of the known facts concerning the time, place, manner, and circumstances of the death. The death of a minor must be reported to the department of health and human services as provided under chapter 50-25.1. The coroner shall take custody of the body and immediately consult with a law enforcement agency. The law enforcement agency shall investigate the death and notify the state's attorney of the findings. The coroner shall notify the state forensic examiner of each such death, and shall provide the state forensic examiner the information concerning the death as the state forensic examiner requires. The coroner or the assistant or deputy coroner shall notify the parent or guardian of a child under the age of one year of the right to the performance of an autopsy, at state expense, as provided by this chapter.

11-19.1-07.1. Willful disturbance of dead body - Penalty.

Any person who:

1. Willfully removes or otherwise disturbs a body which the actor knows died in a suspicious or unusual manner; or
2. Willfully rearranges, removes, or otherwise disturbs the clothing or other articles on or near a body which the actor knows died in a suspicious or unusual manner,

without authorization of a coroner or law enforcement officer is guilty of a class A misdemeanor.

11-19.1-08. Records of coroner's office.

The coroner shall keep full and complete records. All records must be kept in the office of the coroner if the coroner maintains an office as coroner. If the coroner maintains no separate

office, the records must be kept in the office of the recorder of the county, unless the board of county commissioners designates a different official. The records must be properly indexed, stating the name, if known, of every deceased individual, the place where the body was found, date of death, cause of death, and all other available information required by this chapter. The report of the coroner and the detailed findings of the autopsy, if one was performed, must be attached to the report of every case. The coroner promptly shall deliver or cause to be delivered to the state's attorney of the county in which a death occurred copies of all necessary records relating to every death in which the coroner or state's attorney determines further investigation advisable. The sheriff of the county, the police of the city, or the state highway patrol troopers on duty in that county in which the death occurred may be requested to furnish more information or make further investigation by the coroner or the coroner's deputy. The state's attorney may obtain from the office of the coroner copies of records and other information necessary for further investigation. Except for a report of death and autopsy reports, which may be used and disclosed only as authorized by subsection 4 of section 11-19.1-11, all records of the coroner are the property of the county and are public records.

11-19.1-09. State's attorney may subpoena witnesses.

Repealed by S.L. 1973, ch. 92, § 2.

11-19.1-10. Deceased human bodies to be held pending investigation.

All deceased human bodies in the custody of the coroner must be held until such time as the coroner after consultation with the state's attorney, the police department of the city, the state highway patrol troopers on duty in that county, or the sheriff has reached a decision that it is not necessary to hold the body longer to enable the coroner to decide on a diagnosis, giving a reasonable and true cause of death, or that the body is no longer necessary to assist any one of those officials in their duties.

11-19.1-11. Autopsies - Notice of results.

1. The coroner or the coroner's medical deputy, if the coroner deems it necessary, may take custody of the deceased human body for the purpose of autopsy. When the coroner does not deem an autopsy necessary, the sheriff or state's attorney may direct an autopsy be performed.
2. The autopsy must be performed by the state forensic examiner or by the state forensic examiner's authorized pathologist at a facility approved by the state forensic examiner.
3. Upon the death of a minor whose cause of death is suspected by the minor's parent or guardian or the coroner or the coroner's medical deputy to have been the unexplained sudden death in infant or child with or without intrinsic or extrinsic factors, or both, the coroner or the coroner's medical deputy, after consultation with the parent or guardian, shall take custody of the body and shall arrange for the performance of the autopsy by the state forensic examiner or a pathologist designated by the state forensic examiner, unless the county coroner, sheriff, state's attorney, and the parent or guardian all agree that an autopsy is unnecessary. The parents or guardian and the state health officer must be promptly notified of the results of that autopsy.
4. A report of death, an autopsy report, and any working papers, notes, images, pictures, photographs, or recordings in any form are confidential but the coroner may use or disclose these materials for purposes of an investigation, inquest, prosecution, or inspection by the department of corrections and rehabilitation. The coroner may disclose a copy of the report of death in accordance with the authority of the state forensic examiner under section 23-01-05.5 and may disclose an autopsy photograph or other visual image or video or audio recording subject to limitations in section 44-04-18.18. The coroner shall disclose a copy of the autopsy report to the state forensic examiner.

11-19.1-12. Coroner may order removal of body.

Where the county does not provide a morgue or morgue facilities for the use of the coroner, the coroner may use existing hospital facilities. When post mortem is completed at county morgue facilities or existing hospital facilities, the coroner after getting expressed order of the person lawfully entitled to the custody of the deceased person's remains as to the funeral home of the person's choice, shall order the remains released to such funeral home, or the coroner after getting the expressed order of the person lawfully entitled to the custody of the deceased person's remains, as to the funeral home of the person's choice, may order the remains removed to such funeral home and the necessary post mortem conducted there.

11-19.1-13. Cause of death - Determination.

The cause of death, the manner of death, and the mode in which the death occurred must be incorporated in the death certificate filed with the registrar of vital statistics of this state. The term "unexplained sudden death in infant or child with or without intrinsic or extrinsic factors, or both" may be entered on the death certificate as the principal cause of death only if the child is under the age of one year and the death remains unexplained after a case investigation that includes a complete autopsy of the infant at the state's expense, examination of the death scene, and a review of the clinical history of the infant.

11-19.1-14. Disinterment of dead bodies.

Whenever in the opinion of the state's attorney and either the sheriff or coroner it is deemed necessary, the state's attorney or coroner shall have authority to order the disinterment of any dead body within their county and to authorize the removal of such body under the supervision of the coroner for the purpose of examination and autopsy.

11-19.1-15. Notice of next of kin, disposition of personal belongings - Disposition of body when next of kin cannot be found.

The coroner of the county in which a death is discovered shall take charge of the case and ensure that relatives or friends of the deceased individual, if known, are notified as soon as possible, giving details of the death and disposition of the deceased individual. If the relatives or friends of the deceased are unknown, the coroner shall dispose of the personal effects and body in the following manner:

1. After using such clothing as may be necessary in the final disposition of the body, the remaining personal effects of the deceased must be turned over to law enforcement for appropriate disposition.
2. The remains must be:
   a. Disposed of in accordance with section 23-06-14; or
   b. Otherwise disposed of in accordance with the laws governing final disposition of residents within the state who are indigent.

11-19.1-16. Coroner's fees paid out of county treasury - Fees to be charged by coroner - Duty of county auditor - Certain expenses paid by the state.

1. The fees and mileage as provided by section 11-10-15 allowed to the coroner shall be paid out of the county treasury of the county of residence of the deceased person and the coroner's bill shall be presented to the county auditor and shall be paid upon approval and order of the board of county commissioners.
2. The department of health and human services shall audit, and if found correct, certify for payment by the state treasurer duly itemized and verified claims of the coroner, the coroner's medical deputy, and pathologist for the necessary expenses incurred or paid in the performance of an autopsy of a child whose cause of death was suspected to have been the unexplained sudden death in infant or child with or without intrinsic or extrinsic factors, or both.

11-19.1-17. Application.

The requirements of this chapter apply to every county in this state.

11-19.1-18. State forensic examiner - Authority - Costs.

1. The state forensic examiner may order an autopsy and exercise all powers and authority bestowed upon the office of the coroner and, at any time, may assume jurisdiction over a deceased human body. Whenever requested to do so by the local coroner, acting coroner, or the local state's attorney, the state forensic examiner or the examiner's designee shall assume jurisdiction over a deceased human body for purposes of investigating the cause of death, the manner of death, and the mode in which the death occurred.
2. Except for the cost of an autopsy performed by the state forensic examiner or the examiner's designee and for the cost of an autopsy, investigation, or inquiry that results from the death of a patient or resident of the state hospital or any other state residential facility or an inmate of a state penal institution, all costs with respect to the autopsy, the transporting of the body for autopsy, and the costs of the investigation or inquiry are the responsibility of the county.

11-19.1-19. Required reports to state forensic examiner.

On the form and in the manner prescribed by the state forensic examiner, the coroner or any individual acting as coroner shall report to the state forensic examiner every death of which the coroner is notified or which the coroner investigates.

11-19.1-20. State forensic examiner - Required consultation.

The coroner or any individual acting as a coroner shall actively consult with the state forensic examiner's office in every death involving an inmate of a state, county, or city penal institution; death involving a child under the age of one when in apparent good health; and death that the coroner or acting coroner believes may have resulted from an accident, a suicide, or a homicide, under suspicious circumstances, or as a result of child abuse or neglect.