

AN ACT relating to arrest-related deaths.

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

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

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

- (1) When the death of a human being appears to be caused by homicide or violence;
- (2) When the death of a human being appears to be the result of suicide;
- (3) When the death of a human being appears to be the result of the presence of drugs or poisons in the body;
- (4) When the death of a human being appears to be the result of a motor vehicle accident and the operator of the motor vehicle left the scene of the accident or the body was found in or near a roadway or railroad;
- (5) When the death of a human being occurs while the person is in a state mental institution or mental hospital when there is no previous medical history to explain the death;
- (6) When the death of a human being occurs**~~[- or]~~ while the person is in police custody, a jail or penal institution, **or is in the process of being arrested or en route to be incarcerated;**
- ~~(7)~~~~(6)~~ When the death of a human being occurs in a motor vehicle accident and when an external examination of the body does not reveal a lethal traumatic injury;
- ~~(8)~~~~(7)~~ When the death of a human being appears to be the result of a fire or explosion;
- ~~(9)~~~~(8)~~ When the death of a child appears to indicate child abuse prior to the death;
- ~~(10)~~~~(9)~~ When the manner of death appears to be other than natural;
- ~~(11)~~~~(10)~~ When human skeletonized remains are found;
- ~~(12)~~~~(11)~~ When post-mortem decomposition of a human corpse exists to the extent that external examination of the corpse cannot rule out injury or where the

circumstances of death cannot rule out the commission of a crime;

~~(13)~~~~(12)~~ When the death of a human being appears to be the result of drowning;

~~(14)~~~~(13)~~ When the death of an infant appears to be caused by sudden infant death syndrome in that the infant has no previous medical history to explain the death;

~~(15)~~~~(14)~~ When the death of a human being occurs as a result of an accident;

~~(16)~~~~(15)~~ When the death of a human being occurs under the age of forty (40) and there is no past medical history to explain the death;

~~(17)~~~~(16)~~ When the death of a human being occurs at the work site and there is no apparent cause of death such as an injury or when industrial toxics may have contributed to the cause of death;

~~(18)~~~~(17)~~ When the body is to be cremated and there is no past medical history to explain the death;

~~(19)~~~~(18)~~ When the death of a human being is sudden and unexplained; and

~~(20)~~~~(19)~~ When the death of a human being occurs and the decedent is not receiving treatment by a licensed physician and there is no ascertainable medical history to indicate the cause of death.

□SECTION 2. A NEW SECTION OF KRS CHAPTER 72 IS CREATED TO READ AS FOLLOWS:

**(1) When a post-mortem examination is required under subsection (6) of Section 1 of this Act, the coroner or medical examiner shall provide notice of the death to the Office of the Kentucky State Medical Examiner. The notice shall include at a minimum:**

**(a) The name, gender, race, ethnicity, and age of the deceased;**

**(b) The date, time, and location of death;**

**(c) The law enforcement agency that had custody of, detained, arrested, or was in the process of arresting the deceased; and**

**(d) A description of the circumstances surrounding the death.**

**(2) After receiving notice under subsection (1) of this section, the Office of the Kentucky State Medical Examiner shall publish on its Web site an annual public report to the secretary of the Justice and Public Safety Cabinet which contains sufficient detail to identify deaths in custody or arrest-related deaths on a county-by-county, statewide, and agency basis. The report shall not identify decedents by name, but shall include information on the gender, race, and ethnicity of decedents.**

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

- (1) Any person, hospital, or institution, finding or having possession of the body of any person whose death occurred under any of the circumstances defined in subsections (1) through ~~(12)~~ **(13)** of KRS 72.025, shall immediately notify the coroner, or his deputy, and a law enforcement agency, which shall report to the scene within a reasonable time. No person shall remove the body or remove anything from the body until directed to do so by the coroner or his deputy, after the law enforcement agency is present or has failed, within a reasonable period of time, to respond.
- (2) The coroner shall take possession of any objects, medical specimens, or articles which, in his opinion, may be helpful in establishing the cause of death, and he can make or cause to be made such tests and examinations of said objects as may be necessary or useful in determining the cause of death. In the event that a criminal prosecution arises, all such objects and articles together with reports of any examinations made upon them, shall be retained by the coroner until their production in evidence is required by the prosecuting authority, unless otherwise directed by written order of the court in which such prosecution is pending.
- (3) Upon final disposition of each criminal prosecution under this section, the court shall by appropriate written order dispose of all objects retained under the provisions of this section.
- (4) If the law enforcement officer at the scene has probable cause to believe that one of

the conditions in subsection (1) of this section exists and the coroner refuses to require a post-mortem examination, the officer shall immediately notify the county or Commonwealth attorney who may proceed pursuant to KRS 72.445.

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