

ONE HUNDRED FIRST LEGISLATURE - FIRST SESSION - 2009
COMMITTEE STATEMENT
LB671

Hearing Date: Wednesday March 11, 2009
Committee On: Judiciary
Introducer: Pirsch
One Liner: Provide powers and duties and change membership of the Nebraska County Attorney Standards Advisory Council relating to death investigations

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye:	7	Senators Ashford, Christensen, Coash, Lathrop, Lautenbaugh, McGill, Rogert
Nay:		
Absent:	1	Senator Council
Present Not Voting:		

Proponents:

Sen. Pete Pirsch
Kevin Willis
Shawn Eatherton
Paul Spence
Kory Kidd
Jim Lawson
Jean Thomsen, MD

Representing:

Introducer
Washington County Sheriff's Office
NE County Attorneys Association
self
self
Scottsbluff County Sheriff's Office
self

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB 671 is a bill that would require the Nebraska County Attorney Standards Advisory Council to establish a region-based state medical examiner system consisting of certified forensic pathologists serving as death investigation consultants to law enforcement and the county attorney serving as a coroner. LB 671 would also require the Nebraska County Attorney Standards Council to provide for and implement the following provisions:

1. Under LB 671, the Council will provide:

Section 3

- That a certified forensic pathologist will be on call at all times, on a fee-per-service basis as a medical examiner;
 - The duties of a medical examiners serving as on-call consultants to the death investigator and autopsy service providers;
 - Shall create and distribute checklists of best practices to promote uniform and quality death investigations for county coroners;
 - The checklists created shall include guidance to county coroners in determining the need for autopsies in the following instances:
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1. Deaths of individuals nineteen or older;
2. Deaths of individuals under nineteen years of age;
3. Sudden, unexplained infant deaths;
4. Deaths while in custody; and
5. Suspicious deaths. (This list is not exhaustive)

- The council shall create standardized procedures for death investigations, including death scene procedures. The council may also make recommendations regarding best practices for county coroners in the following circumstances:

1. The utilization of investigative tools and equipment;
2. Entering the death scene;
3. Documenting and evaluating the death scene;
4. Documenting and evaluating the body;
5. Establishing and recording decedent profile information; and
6. Completing the death scene investigation

- The Council shall determine the number of hours required for initial death scene investigation training for newly elected or appointed county attorneys serving as county coroner;

- Provide the number of hours required for annual continuing education on death investigation training of county attorneys serving as county coroner.

Section 4. Provides that the Council may adopt the following:

- Establish a voluntary network of regional officials to provide death investigation support services in Nebraska;
- Provide standardized forms both in written and electronic format for use in death investigations.

Section 5. Provides that every person who is elected or appointed as a coroner or deputy coroner in Nebraska, must complete initial death investigation training within one year after the date of election or appointment, and must annually complete continuing education as determined by the advisory council.

Section 6. Creates the County Coroner Death Investigations Fund to be used to carry out the requirements in sections 3 and 4 of this act.

- Fund to be funded beginning January 1, 2010 by a \$1 dollar fee increase on court costs for criminal proceedings, including traffic infractions and misdemeanors filed in all courts in the state.

- No fee shall be collected in juvenile proceedings or when waived under section 29-2709.

Sections 7 & 8

- Harmonizes and remaining sections and repeals original sections amended by this act.

Explanation of amendments:

AM 1009 makes the following changes to LB 671:

- (Section 2) Changes from four to six the number of county or deputy county attorney's on the Nebraska County Attorneys Standards Advisory Council.

- (Section 2) Amends the make-up of the Advisory Council by allowing one member to be a professor of law or a professor of forensic science, combines one membership position to be filled by either a county sheriff or a chief of police.

- (Section 3) Provides that the Council shall create and distribute checklists of best practices to promote uniform and

quality death investigations for county coroners; Such checklists may include guidance to county coroners in determining the need for autopsies in the following instances:

1. Deaths of individuals nineteen or older;
2. Deaths of individuals under nineteen years of age;
3. Sudden, unexplained infant deaths;
4. Deaths while in custody;
5. Deaths caused by motor vehicle collisions;
6. Deaths by burning; and
7. Suspicious deaths.

- (Section 3) Provides that the council shall create standardized procedures for death investigations, including death scene procedures. The council shall also make recommendations regarding best practices for county coroners in the following circumstances:

1. The utilization of investigative tools and equipment;
2. Entering the death scene;
3. Documenting and evaluating the death scene;
4. Documenting and evaluating the body;
5. Establishing and recording decedent profile information; and
6. Completing the death scene investigation.

- (Section 4) Provides that the Council shall adopt the following:

1. Establish a voluntary network of regional officials to provide death investigation support services in Nebraska;
2. Provide standardized forms both in written and electronic format for use in death investigations.

- (Section 5) Provides that every person who is elected or appointed as a coroner or deputy coroner in Nebraska, must complete initial death investigation training within one year after the date of election or appointment, and must annually complete continuing education as determined by the advisory council.

- (Section 6) Harmonizes sections 3-5 of this act with 23-1212 to 23-1222.

Brad Ashford, Chairperson