

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 32.1-283 of the Code of Virginia, relating to investigation of deaths.*

3 [H 396]

4 Approved

5 **Be it enacted by the General Assembly of Virginia:**6 **1. That § 32.1-283 of the Code of Virginia is amended and reenacted as follows:**

7 § 32.1-283. Investigation of deaths; obtaining consent to removal of organs, etc.

8 A. Upon the death of any person from trauma, injury, violence, poisoning, accident, suicide or
9 homicide, or suddenly when in apparent good health, or when unattended by a physician, or in jail,
10 prison, other correctional institution or in police custody, *or who is a patient or resident of a state*
11 *mental health or mental retardation facility*, or suddenly as an apparent result of fire, or in any
12 suspicious, unusual or unnatural manner, or the sudden death of any infant less than eighteen months of
13 age whose death is suspected to be attributable to Sudden Infant Death Syndrome (SIDS), the medical
14 examiner of the county or city in which death occurs shall be notified by the physician in attendance,
15 hospital, law-enforcement officer, funeral director or any other person having knowledge of such death.
16 Good faith efforts shall be made by such person or institution having custody of the dead body to
17 identify the next of kin of the decedent, and such identity, if determined, shall be provided to the Chief
18 Medical Examiner upon transfer of the dead body. After identification of the next of kin, the person or
19 institution, or agent of such person or institution, having custody of the dead body shall attempt to
20 obtain consent for removal of the pituitary or other organs, glands, eyes or tissues for use in transplants
21 or therapy.

22 B. Upon being notified of a death as provided in subsection A, the medical examiner shall take
23 charge of the dead body, make an investigation into the cause and manner of death, reduce his findings
24 to writing, and promptly make a full report to the Chief Medical Examiner. In order to facilitate his
25 investigation, the medical examiner is authorized to inspect and copy the pertinent medical records of
26 the decedent whose death he is investigating. Full directions as to the nature, character and extent of the
27 investigation to be made in such cases shall be furnished each medical examiner by the Chief Medical
28 Examiner, together with appropriate forms for the required reports and instructions for their use. The
29 facilities and personnel under the Chief Medical Examiner shall be made available to medical examiners
30 in such investigations.

31 C. A copy of each report pursuant to this section shall be delivered to the appropriate attorney for
32 the Commonwealth and a copy of any such report regarding the death of a victim of a traffic accident
33 shall be furnished upon request to the State Police and the Highway Safety Commission. *In addition, a*
34 *copy of any autopsy report concerning a patient or resident of a state mental health or mental*
35 *retardation facility shall be delivered to the Commissioner of Mental Health, Mental Retardation and*
36 *Substance Abuse Services and to the Inspector General for Mental Health, Mental Retardation and*
37 *Substance Abuse Services.*

38 D. For each investigation under this article, including the making of the required reports, the medical
39 examiner shall receive a fee established by the Board within the limitations of appropriations for the
40 purpose. Such fee shall be paid by the Commonwealth, if the deceased is not a legal resident of the
41 county or city in which his death occurred. In the event the deceased is a legal resident of the county or
42 city in which his death occurred, such county or city shall be responsible for the fee; however, the
43 Commonwealth shall reimburse such county or city to the extent such fee exceeds twenty dollars. *If the*
44 *deceased is a patient or resident of a state mental health or mental retardation facility, the fee shall be*
45 *paid by the Department of Mental Health, Mental Retardation and Substance Abuse Services.*

46 E. Nothing herein shall be construed to interfere with the autopsy procedure or with the routine
47 obtaining of consent for removal of organs as conducted by surgical teams or others.

ENROLLED

HB396ER