

SENATE BILL NO. 463—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 25, 2019

Referred to Committee on Government Affairs

SUMMARY—Revises provisions related to county officers.
(BDR 20-1153)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to coroners; authorizing a coroner to test a decedent for communicable diseases without a court order under certain circumstances; authorizing a coroner to establish an employee wellness program; authorizing a coroner to subpoena certain documents; providing that funds from the account for the support of the office of the county coroner can be used to pay expenses relating to such a program; requiring a postmortem examination be performed by a forensic pathologist under certain circumstances; authorizing a coroner to issue a subpoena; increasing certain fees for the support of the office of the county coroner; making various other changes relating to coroners; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law sets forth the duties and responsibilities of a county coroner.
2 (Chapter 259 of NRS)

3 Existing law provides that certain persons, including the county coroner, may
4 petition a court for an order requiring the testing of a person or decedent for
5 exposure to a communicable disease if the decedent may have exposed the person
6 or the person’s employees to a communicable disease. (NRS 441A.195) **Section 3**
7 of this bill authorizes a coroner to test a decedent under his or her jurisdiction
8 communicable diseases without obtaining such a court order if he or she or any
9 employees of the coroner came in contact with the blood or bodily fluids of the
10 decedent.

11 Existing law authorizes a county coroner to use the money in the account
12 created for the support of the office of the county coroner to pay expenses relating
13 to: (1) certain training; (2) the purchase of certain specialized equipment; and



(3) youth programs involving the office of the county coroner. (NRS 259.025) **Section 4** of this bill authorizes a county coroner to create a program to promote the wellness and mental health of the employees of the county coroner, and **section 5** authorizes the county coroner to pay expenses relating to that program with money from the account.

Existing law requires a coroner to conduct an investigation when the coroner or a coroner's deputy is informed that a person has been killed, has committed suicide or has suddenly died under such circumstances as to afford reasonable ground to suspect that the death has been occasioned by unnatural means. (NRS 259.050)

Section 6 of this bill authorizes a coroner conducting such an investigation to subpoena the production of any related documents, records or materials. **Section 6** also provides that where it is apparent or can be reasonably inferred that a death may have been caused by drug use or poisoning, the coroner shall cause a postmortem examination to be performed by a forensic pathologist, unless the death occurred following a hospitalization stay of 24 hours or more.

Section 2 of this bill provides that when a forensic pathologist performs a postmortem examination at the direction of a coroner, the forensic pathologist shall determine the cause of death and the certifier of death shall record the cause of death as determined by the forensic pathologist on the certificate of death.

Existing law requires the State Registrar to charge and collect a fee for a certified copy of a certificate of death and provides that the fee must include \$1 for credit to the account for the support of the office of the county coroner of the county in which the certificate originates. (NRS 440.700) **Section 7** of this bill increases the fee from \$1 to \$4.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 259 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *If a forensic pathologist performs a postmortem examination on a body under the jurisdiction of the coroner:*

1. The forensic pathologist shall determine the cause of death of the decedent; and

2. The certifier of death shall record on the death certificate the exact cause of death as determined by the forensic pathologist.

Sec. 3. *1. If a coroner or an employee of the coroner, in the course of his or her official duties comes in contact with the blood or bodily fluids of a decedent under the jurisdiction of the coroner, the coroner may cause the decedent to be tested for communicable diseases.*

2. The coroner shall report the results of any test conducted pursuant to subsection 1 to the local health officer.

Sec. 4. *A coroner may establish a program to promote the wellness and mental health of the employees of the office of the coroner.*

Sec. 5. NRS 259.025 is hereby amended to read as follows:
259.025 1. The board of county commissioners of each county may create in the county general fund an account for the



1 support of the office of the county coroner. The county treasurer
2 shall deposit in that account the money received from:

3 (a) The State Registrar of Vital Statistics pursuant to NRS
4 440.690; and

5 (b) A district health officer pursuant to NRS 440.715.

6 2. The money in the account must be accounted for separately
7 and not as a part of any other account.

8 3. The interest and income earned on the money in the account,
9 after deducting any applicable charges, must be credited to the
10 account.

11 4. Claims against the account must be paid as other claims
12 against the county are paid.

13 5. Except as otherwise provided in subsection 8, the county
14 coroner may use the money in the account to pay expenses relating
15 to:

16 (a) A youth program involving the office of the county coroner,
17 including, without limitation, a program of visitation established
18 pursuant to NRS 62E.720;

19 (b) Training for a member of the staff of the office of the county
20 coroner;

21 (c) Training an ex officio coroner and his or her deputies on the
22 investigation of deaths; ~~and~~

23 (d) The purchase of specialized equipment for the office of the
24 county coroner ~~;~~ **and**

25 ***(e) Any program established by the coroner pursuant to***
26 ***section 4 of this act.***

27 6. Any money remaining in the account at the end of any fiscal
28 year does not revert to the county general fund and must be carried
29 forward to the next fiscal year.

30 7. Before the end of each fiscal year:

31 (a) The board of county commissioners of each county that
32 constitutes a coroner's district pursuant to NRS 259.010 and which
33 has created an account for the support of the office of the county
34 coroner pursuant to subsection 1 shall designate the office of a
35 county coroner created pursuant to NRS 244.163 to receive the
36 money in the account.

37 (b) The county treasurer of each county that constitutes a
38 coroner's district pursuant to NRS 259.010 and for which the board
39 of county commissioners has created an account for the support of
40 the office of the county coroner pursuant to subsection 1 shall
41 transfer all money in the account to the county treasurer of the
42 county in which the office of the county coroner designated
43 pursuant to paragraph (a) is established.



1 (c) The county treasurer of the county in which the office of the
2 county coroner designated pursuant to paragraph (a) is established
3 shall:

4 (1) Deposit all the money received pursuant to paragraph (b)
5 into the account created in that county pursuant to subsection 1; and

6 (2) Account for the money received from each county in
7 separate subaccounts.

8 8. The office of the county coroner designated to receive
9 money pursuant to subsection 7 may only use the money in each
10 subaccount and any interest attributable to that money to pay
11 expenses which are incurred in the county from which the money
12 was transferred and which relate to the training of an ex officio
13 coroner and his or her deputies on the investigation of deaths.

14 **Sec. 6.** NRS 259.050 is hereby amended to read as follows:

15 259.050 1. When a coroner or the coroner's deputy is
16 informed that a person has been killed, has committed suicide or has
17 suddenly died under such circumstances as to afford reasonable
18 ground to suspect that the death has been occasioned by unnatural
19 means, the coroner shall make an appropriate investigation.

20 2. In all cases where it is apparent or can be reasonably inferred
21 that the death may have been caused by a criminal act, the coroner
22 or the coroner's deputy shall notify the district attorney of the
23 county where the inquiry is made, and the district attorney shall
24 make an investigation with the assistance of the coroner. If
25 the sheriff is not ex officio the coroner, the coroner shall also notify
26 the sheriff, and the district attorney and sheriff shall make the
27 investigation with the assistance of the coroner.

28 3. *If it is apparent to or can be reasonably inferred by the*
29 *coroner that a death may have been caused by drug use or*
30 *poisoning, the coroner shall cause a postmortem examination to*
31 *be performed on the decedent by a forensic pathologist unless the*
32 *death occurred following a hospitalization stay of 24 hours or*
33 *more.*

34 4. *A coroner may issue a subpoena for the production of any*
35 *document, record or material that is relevant to an investigation by*
36 *the coroner.*

37 5. The holding of a coroner's inquest is within the sound
38 discretion of the district attorney or district judge of the county. An
39 inquest need not be conducted in any case of death manifestly
40 occasioned by natural cause, suicide, accident, motor vehicle crash
41 or when it is publicly known that the death was caused by a person
42 already in custody, but an inquest must be held unless the district
43 attorney or a district judge certifies that no inquest is required.

44 ~~[4.]~~ 6. If an inquest is to be held, the district attorney shall call
45 upon a justice of the peace of the county to preside over it. The



1 justice of the peace shall summon three persons qualified by law to
2 serve as jurors, to appear before the justice of the peace forthwith at
3 the place where the body is or such other place within the county as
4 may be designated by him or her to inquire into the cause of death.

5 ~~§~~ 7. A single inquest may be held with respect to more than
6 one death, where all the deaths were occasioned by a common
7 cause.

8 **Sec. 7.** NRS 440.700 is hereby amended to read as follows:

9 440.700 1. Except as otherwise provided in this section, the
10 State Registrar shall charge and collect a fee in an amount
11 established by the State Registrar by regulation:

12 (a) For searching the files for one name, if no copy is made.

13 (b) For verifying a vital record.

14 (c) For establishing and filing a record of paternity, other than a
15 hospital-based paternity, and providing a certified copy of the new
16 record.

17 (d) For a certified copy of a record of birth.

18 (e) For a certified copy of a record of death originating in a
19 county in which the board of county commissioners has not created
20 an account for the support of the office of the county coroner
21 pursuant to NRS 259.025.

22 (f) For a certified copy of a record of death originating in a
23 county in which the board of county commissioners has created an
24 account for the support of the office of the county coroner pursuant
25 to NRS 259.025.

26 (g) For correcting a record on file with the State Registrar and
27 providing a certified copy of the corrected record.

28 (h) For replacing a record on file with the State Registrar and
29 providing a certified copy of the new record.

30 (i) For filing a delayed certificate of birth and providing a
31 certified copy of the certificate.

32 (j) For the services of a notary public, provided by the State
33 Registrar.

34 (k) For an index of records of marriage provided on microfiche
35 to a person other than a county clerk or a county recorder of a
36 county of this State.

37 (l) For an index of records of divorce provided on microfiche to
38 a person other than a county clerk or a county recorder of a county
39 in this State.

40 (m) For compiling data files which require specific changes in
41 computer programming.

42 2. The fee collected for furnishing a copy of a certificate of
43 birth or death must include the sum of \$3 for credit to the Children's
44 Trust Account created by NRS 432.131.



1 3. The fee collected for furnishing a copy of a certificate of
2 death must include the sum of \$1 for credit to the Review of Death
3 of Children Account created by NRS 432B.409.

4 4. The fee collected for furnishing a copy of a certificate of
5 death must include the sum of 50 cents for credit to the Grief
6 Support Trust Account created by NRS 439.5132.

7 5. The State Registrar shall not charge a fee for furnishing a
8 certified copy of a record of birth to:

9 (a) A homeless person who submits a signed affidavit on a form
10 prescribed by the State Registrar stating that the person is homeless.

11 (b) A person who submits documentation from the Department
12 of Corrections verifying that the person was released from prison
13 within the immediately preceding 90 days.

14 6. The fee collected for furnishing a copy of a certificate of
15 death originating in a county in which the board of county
16 commissioners has created an account for the support of the office
17 of the county coroner pursuant to NRS 259.025 must include the
18 sum of ~~[\$1]~~ \$4 for credit to the account for the support of the office
19 of the county coroner of the county in which the certificate
20 originates.

21 7. Upon the request of any parent or guardian, the State
22 Registrar shall supply, without the payment of a fee, a certificate
23 limited to a statement as to the date of birth of any child as disclosed
24 by the record of such birth when the certificate is necessary for
25 admission to school or for securing employment.

26 8. The United States Bureau of the Census may obtain, without
27 expense to the State, transcripts or certified copies of births and
28 deaths without payment of a fee.

29 **Sec. 8.** NRS 441A.195 is hereby amended to read as follows:

30 441A.195 1. ~~[A]~~ *Except as otherwise provided in section 3*
31 *of this act, a law enforcement officer, correctional officer,*
32 *emergency medical attendant, firefighter, county coroner or medical*
33 *examiner or any of their employees or volunteers, any other person*
34 *who is employed by or is a volunteer for an agency of criminal*
35 *justice or any other public employee or volunteer for a public*
36 *agency who, in the course of his or her official duties, comes into*
37 *contact with human blood or bodily fluids, or the employer of such a*
38 *person or the public agency for which the person volunteers, may*
39 *petition a court for an order requiring the testing of a person or*
40 *decendent for exposure to a communicable disease if the person or*
41 *decendent may have exposed the officer, emergency medical*
42 *attendant, firefighter, county coroner or medical examiner or their*
43 *employee or volunteer, other person employed by or volunteering*
44 *for an agency of criminal justice or other public employee or*
45 *volunteer for a public agency to a communicable disease.*



1 2. When possible, before filing a petition pursuant to
2 subsection 1, the person, employer or public agency for which the
3 person volunteers, and who is petitioning shall submit information
4 concerning the possible exposure to a communicable disease to the
5 designated health care officer for the employer or public agency or,
6 if there is no designated health care officer, the person designated by
7 the employer or public agency to document and verify possible
8 exposure to communicable diseases, for verification that there was
9 substantial exposure. Each designated health care officer or person
10 designated by an employer or public agency to document and verify
11 possible exposure to communicable diseases shall establish
12 guidelines based on current scientific information to determine
13 substantial exposure.

14 3. A court shall promptly hear a petition filed pursuant to
15 subsection 1 and determine whether there is probable cause to
16 believe that a possible transfer of blood or other bodily fluids
17 occurred between the person who filed the petition or on whose
18 behalf the petition was filed and the person or decedent who
19 possibly exposed him or her to a communicable disease. If the court
20 determines that probable cause exists to believe that a possible
21 transfer of blood or other bodily fluids occurred and, that a positive
22 result from the test for the presence of a communicable disease
23 would require the petitioner to seek medical intervention, the court
24 shall:

25 (a) Order the person who possibly exposed the petitioner, or the
26 person on whose behalf the petition was filed, to a communicable
27 disease to submit two appropriate specimens to a local hospital or
28 medical laboratory for testing for exposure to a communicable
29 disease; or

30 (b) Order that two appropriate specimens be taken from the
31 decedent who possibly exposed the petitioner, or the person on
32 whose behalf the petition was filed, to a communicable disease and
33 be submitted to a local hospital or medical laboratory for testing for
34 exposure to the communicable disease.

35 ↪ The local hospital or medical laboratory shall perform the test in
36 accordance with generally accepted medical practices and shall
37 disclose the results of the test in the manner set forth in
38 NRS 629.069.

39 4. If a judge or a justice of the peace enters an order pursuant to
40 this section, the judge or justice of the peace may authorize the
41 designated health care officer or the person designated by the
42 employer or public agency to document and verify possible
43 exposure to a communicable disease to sign the name of the judge
44 or justice of the peace on a duplicate order. Such a duplicate order
45 shall be deemed to be an order of the court. As soon as practicable



1 after the duplicate order is signed, the duplicate order must be
2 returned to the judge or justice of the peace who authorized the
3 signing of it and must indicate on its face the judge or justice of the
4 peace to whom it is to be returned. The judge or justice of the peace,
5 upon receiving the returned order, shall endorse the order with his or
6 her name and enter the date on which the order was returned. Any
7 failure of the judge or justice of the peace to make such an
8 endorsement and entry does not in and of itself invalidate the order.

9 5. Except as otherwise provided in NRS 629.069, all records
10 submitted to the court in connection with a petition filed pursuant to
11 this section and any proceedings concerning the petition are
12 confidential and the judge or justice of the peace shall order the
13 records and any record of the proceedings to be sealed and to be
14 opened for inspection only upon an order of the court for good cause
15 shown.

16 6. A court may establish rules to allow a judge or justice of the
17 peace to conduct a hearing or issue an order pursuant to this section
18 by electronic or telephonic means.

19 7. The employer of a person or the public agency for which the
20 person volunteers, who files a petition or on whose behalf a petition
21 is filed pursuant to this section or the insurer of the employer or
22 public agency, shall pay the cost of performing the test pursuant to
23 subsection 3.

24 8. As used in this section:

25 (a) "Agency of criminal justice" has the meaning ascribed to it
26 in NRS 179A.030.

27 (b) "Emergency medical attendant" means a person licensed as
28 an attendant or certified as an emergency medical technician,
29 advanced emergency medical technician or paramedic pursuant to
30 chapter 450B of NRS.

31 **Sec. 9.** This act becomes effective on July 1, 2019.

