

REQUIRES TWO-THIRDS MAJORITY VOTE (§ 7)

(Reprinted with amendments adopted on April 17, 2019)

FIRST REPRINT

S.B. 463

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 certain programs; authorizing a coroner to subpoena certain documents, records and materials; providing that funds from the account for the support of the office of the county coroner can be used to pay expenses relating to certain programs; requiring a postmortem examination be performed by a forensic pathologist under certain circumstances; 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:

Existing law sets forth the duties and responsibilities of a county coroner. (Chapter 259 of NRS) Existing law provides that certain persons, including the county coroner, may petition a court for an order requiring the testing of a person or decedent for exposure to a communicable disease if the decedent may have exposed the person or the person's employees to a communicable disease. (NRS 441A.195) **Section 3** of this bill authorizes a coroner to test a decedent under his or her jurisdiction for communicable diseases without obtaining such a court order if: (1) the coroner or any employees of the coroner came in contact with the blood or bodily fluids of the decedent; or (2) a law enforcement officer, emergency medical attendant or firefighter came in contact with the blood or bodily fluids of the decedent before the decedent came under the jurisdiction of the coroner.

Existing law authorizes a county coroner to use the money in the account created for the support of the office of the county coroner to pay expenses relating



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14 to: (1) certain training; (2) the purchase of certain specialized equipment; and
15 (3) youth programs involving the office of the county coroner. (NRS 259.025)
16 **Section 4** of this bill authorizes a county coroner to create: (1) a program to
17 promote the mental health of the employees of the county coroner and any other
18 person impacted as a result of an incident involving mass casualties within the
19 county; and (2) a program that provides bereavement services to members of the
20 public. **Section 5** of this bill authorizes the county coroner to pay expenses relating
21 to those programs with money from the account.

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

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

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

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

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

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

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

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

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

9 **Sec. 3.** *1. The coroner may cause a decedent under the*
10 *jurisdiction of the coroner to be tested for communicable diseases*
11 *without obtaining a court order if:*

12 *(a) A law enforcement officer, emergency medical attendant or*
13 *firefighter came in contact with the blood or bodily fluids of the*
14 *decedent in the course of his or her official duties before the*
15 *decedent came under the jurisdiction of the coroner; or*



1 (b) *The coroner or an employee of the coroner comes in*
2 *contact with the blood or bodily fluids of a decedent in the course*
3 *of his or her official duties.*

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

6 **Sec. 4.** *A coroner may establish:*

7 1. *A program to promote the mental health of the employees*
8 *of the office of the coroner and any other person impacted as a*
9 *result of an incident involving mass casualties within the county.*

10 2. *A program that provides bereavement services to members*
11 *of the public within the county.*

12 **Sec. 4.5.** NRS 259.010 is hereby amended to read as follows:

13 259.010 1. Every county in this State constitutes a coroner's
14 district, except a county where a coroner is appointed pursuant to
15 the provisions of NRS 244.163.

16 2. The provisions of this chapter, except NRS 259.025,
17 259.045, *subsections 3 and 4 of NRS 259.050*, and *NRS* 259.150 to
18 259.180, inclusive, *and sections 2, 3 and 4 of this act* do not apply
19 to any county where a coroner is appointed pursuant to the
20 provisions of NRS 244.163.

21 **Sec. 5.** NRS 259.025 is hereby amended to read as follows:

22 259.025 1. The board of county commissioners of each
23 county may create in the county general fund an account for the
24 support of the office of the county coroner. The county treasurer
25 shall deposit in that account the money received from:

26 (a) The State Registrar of Vital Statistics pursuant to NRS
27 440.690; and

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

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

31 3. The interest and income earned on the money in the account,
32 after deducting any applicable charges, must be credited to the
33 account.

34 4. Claims against the account must be paid as other claims
35 against the county are paid.

36 5. Except as otherwise provided in subsection 8, the county
37 coroner may use the money in the account to pay expenses relating
38 to:

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

42 (b) Training for a member of the staff of the office of the county
43 coroner;

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



1 (d) The purchase of specialized equipment for the office of the
2 county coroner ~~H~~; and

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

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

8 7. Before the end of each fiscal year:

9 (a) The board of county commissioners of each county that
10 constitutes a coroner's district pursuant to NRS 259.010 and which
11 has created an account for the support of the office of the county
12 coroner pursuant to subsection 1 shall designate the office of a
13 county coroner created pursuant to NRS 244.163 to receive the
14 money in the account.

15 (b) The county treasurer of each county that constitutes a
16 coroner's district pursuant to NRS 259.010 and for which the board
17 of county commissioners has created an account for the support of
18 the office of the county coroner pursuant to subsection 1 shall
19 transfer all money in the account to the county treasurer of the
20 county in which the office of the county coroner designated
21 pursuant to paragraph (a) is established.

22 (c) The county treasurer of the county in which the office of the
23 county coroner designated pursuant to paragraph (a) is established
24 shall:

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

27 (2) Account for the money received from each county in
28 separate subaccounts.

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

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

36 259.050 1. When a coroner or the coroner's deputy is
37 informed that a person has been killed, has committed suicide or has
38 suddenly died under such circumstances as to afford reasonable
39 ground to suspect that the death has been occasioned by unnatural
40 means, the coroner shall make an appropriate investigation.

41 2. In all cases where it is apparent or can be reasonably inferred
42 that the death may have been caused by a criminal act, the coroner
43 or the coroner's deputy shall notify the district attorney of the
44 county where the inquiry is made, and the district attorney shall
45 make an investigation with the assistance of the coroner. If



1 the sheriff is not ex officio the coroner, the coroner shall also notify
2 the sheriff, and the district attorney and sheriff shall make the
3 investigation with the assistance of the coroner.

4 3. *If it is apparent to or can be reasonably inferred by the*
5 *coroner that a death may have been caused by drug use or*
6 *poisoning, the coroner shall cause a postmortem examination to*
7 *be performed on the decedent by a forensic pathologist unless the*
8 *death occurred following a hospitalization stay of 24 hours or*
9 *more.*

10 4. *A coroner may issue a subpoena for the production of any*
11 *document, record or material that is directly related or believed to*
12 *contain evidence related to an investigation by the coroner.*

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

20 ~~[4.]~~ 6. If an inquest is to be held, the district attorney shall call
21 upon a justice of the peace of the county to preside over it. The
22 justice of the peace shall summon three persons qualified by law to
23 serve as jurors, to appear before the justice of the peace forthwith at
24 the place where the body is or such other place within the county as
25 may be designated by him or her to inquire into the cause of death.

26 ~~[5.]~~ 7. A single inquest may be held with respect to more than
27 one death, where all the deaths were occasioned by a common
28 cause.

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

30 440.700 1. Except as otherwise provided in this section, the
31 State Registrar shall charge and collect a fee in an amount
32 established by the State Registrar by regulation:

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

34 (b) For verifying a vital record.

35 (c) For establishing and filing a record of paternity, other than a
36 hospital-based paternity, and providing a certified copy of the new
37 record.

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

39 (e) For a certified copy of a record of death originating in a
40 county in which the board of county commissioners has not created
41 an account for the support of the office of the county coroner
42 pursuant to NRS 259.025.

43 (f) For a certified copy of a record of death originating in a
44 county in which the board of county commissioners has created an



1 account for the support of the office of the county coroner pursuant
2 to NRS 259.025.

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

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

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

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

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

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

17 (m) For compiling data files which require specific changes in
18 computer programming.

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

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

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

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

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

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

35 6. The fee collected for furnishing a copy of a certificate of
36 death originating in a county in which the board of county
37 commissioners has created an account for the support of the office
38 of the county coroner pursuant to NRS 259.025 must include the
39 sum of ~~[\$1]~~ \$4 for credit to the account for the support of the office
40 of the county coroner of the county in which the certificate
41 originates.

42 7. Upon the request of any parent or guardian, the State
43 Registrar shall supply, without the payment of a fee, a certificate
44 limited to a statement as to the date of birth of any child as disclosed



1 by the record of such birth when the certificate is necessary for
2 admission to school or for securing employment.

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

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

7 441A.195 1. ~~[A]~~ *Except as otherwise provided in section 3*
8 *of this act, a* law enforcement officer, correctional officer,
9 emergency medical attendant, firefighter, county coroner or medical
10 examiner or any of their employees or volunteers, any other person
11 who is employed by or is a volunteer for an agency of criminal
12 justice or any other public employee or volunteer for a public
13 agency who, in the course of his or her official duties, comes into
14 contact with human blood or bodily fluids, or the employer of such a
15 person or the public agency for which the person volunteers, may
16 petition a court for an order requiring the testing of a person or
17 decedent for exposure to a communicable disease if the person or
18 decedent may have exposed the officer, emergency medical
19 attendant, firefighter, county coroner or medical examiner or their
20 employee or volunteer, other person employed by or volunteering
21 for an agency of criminal justice or other public employee or
22 volunteer for a public agency to a communicable disease.

23 2. When possible, before filing a petition pursuant to
24 subsection 1, the person, employer or public agency for which the
25 person volunteers, and who is petitioning shall submit information
26 concerning the possible exposure to a communicable disease to the
27 designated health care officer for the employer or public agency or,
28 if there is no designated health care officer, the person designated by
29 the employer or public agency to document and verify possible
30 exposure to communicable diseases, for verification that there was
31 substantial exposure. Each designated health care officer or person
32 designated by an employer or public agency to document and verify
33 possible exposure to communicable diseases shall establish
34 guidelines based on current scientific information to determine
35 substantial exposure.

36 3. A court shall promptly hear a petition filed pursuant to
37 subsection 1 and determine whether there is probable cause to
38 believe that a possible transfer of blood or other bodily fluids
39 occurred between the person who filed the petition or on whose
40 behalf the petition was filed and the person or decedent who
41 possibly exposed him or her to a communicable disease. If the court
42 determines that probable cause exists to believe that a possible
43 transfer of blood or other bodily fluids occurred and, that a positive
44 result from the test for the presence of a communicable disease



1 would require the petitioner to seek medical intervention, the court
2 shall:

3 (a) Order the person who possibly exposed the petitioner, or the
4 person on whose behalf the petition was filed, to a communicable
5 disease to submit two appropriate specimens to a local hospital or
6 medical laboratory for testing for exposure to a communicable
7 disease; or

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

13 ↪ The local hospital or medical laboratory shall perform the test in
14 accordance with generally accepted medical practices and shall
15 disclose the results of the test in the manner set forth in
16 NRS 629.069.

17 4. If a judge or a justice of the peace enters an order pursuant to
18 this section, the judge or justice of the peace may authorize the
19 designated health care officer or the person designated by the
20 employer or public agency to document and verify possible
21 exposure to a communicable disease to sign the name of the judge
22 or justice of the peace on a duplicate order. Such a duplicate order
23 shall be deemed to be an order of the court. As soon as practicable
24 after the duplicate order is signed, the duplicate order must be
25 returned to the judge or justice of the peace who authorized the
26 signing of it and must indicate on its face the judge or justice of the
27 peace to whom it is to be returned. The judge or justice of the peace,
28 upon receiving the returned order, shall endorse the order with his or
29 her name and enter the date on which the order was returned. Any
30 failure of the judge or justice of the peace to make such an
31 endorsement and entry does not in and of itself invalidate the order.

32 5. Except as otherwise provided in NRS 629.069, all records
33 submitted to the court in connection with a petition filed pursuant to
34 this section and any proceedings concerning the petition are
35 confidential and the judge or justice of the peace shall order the
36 records and any record of the proceedings to be sealed and to be
37 opened for inspection only upon an order of the court for good cause
38 shown.

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

42 7. The employer of a person or the public agency for which the
43 person volunteers, who files a petition or on whose behalf a petition
44 is filed pursuant to this section or the insurer of the employer or



1 public agency, shall pay the cost of performing the test pursuant to
2 subsection 3.

3 8. As used in this section:

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

6 (b) "Emergency medical attendant" means a person licensed as
7 an attendant or certified as an emergency medical technician,
8 advanced emergency medical technician or paramedic pursuant to
9 chapter 450B of NRS.

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

