

**SENATE, No. 175**

**STATE OF NEW JERSEY**

INTRODUCED MARCH 6, 1944

By Mr. VAN ALSTYNE

Referred to Committee on Judiciary

AN ACT concerning chief medical examiners, coroners and county morgue keepers in counties of the second class in this State, defining their powers and duties, and regulating the keeping and use of their records.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*  
2 *Jersey:*

1 1. Chief medical examiner; appointment; term; vacancies. The board  
2 of chosen freeholders of any county of the second class may by resolution  
3 create the office of county chief medical examiner. Upon the adoption of  
4 the resolution the county physician then holding office shall be known as  
5 the chief medical examiner of the county, and shall continue to hold office  
6 as chief medical examiner for five years from the adoption of the resolution.  
7 At the expiration of his term of office, or if a vacancy occurs during his term  
8 through death, resignation or otherwise, his successor shall be appointed by  
9 the board of chosen freeholders for five years.

1 2. Qualifications; oath. The board of chosen freeholders shall select as  
2 such chief medical examiner a licensed doctor of medicine, resident in the  
3 county, of recognized ability and good standing in his community. Before  
4 entering upon the duties of his office he shall take and subscribe an oath  
5 before the county clerk that he will faithfully and impartially perform the  
6 duties of his office to the best of his skill and understanding. His oath shall  
7 be filed in the office of the county clerk.

1 3. Assistant medical examiners; qualifications and duties. The chief  
2 medical examiner may, subject to the approval of the board of chosen free-  
3 holders, appoint and prescribe the duties of such assistant medical exam-  
4 iners as shall be necessary for the proper performance of the duties of the  
5 office.

6 The assistant medical examiners shall possess qualifications similar to  
7 those required of the chief medical examiner, and shall be under his direc-  
8 tion and supervision.

9 If the office of chief medical examiner shall become vacant, the first  
10 assistant medical examiner shall act as chief medical examiner until that  
11 office is filled by appointment by the board of chosen freeholders. During  
12 the absence or disability of the chief medical examiner his first assistant  
13 shall serve in his place.

1 4. Clerks, toxicologist and scientific experts; appointment. The chief  
2 medical examiner may recommend from time to time to the board of chosen  
3 freeholders the appointment of, and the board may appoint such clerical  
4 assistants or other personnel required for the proper performance of the  
5 duties of the office, as the board shall deem necessary.

6 The chief medical examiner may recommend to the board the appoint-  
7 ment or employment of, and the board may appoint or employ a toxicolo-  
8 gist or such scientific experts as it deems necessary.

1 5. Compensation of chief medical examiner and staff; quarters and equip-  
2 ment. The board of chosen freeholders shall fix the compensation to be paid  
3 to the chief medical examiner, assistant medical examiners, toxicologist, sci-  
4 entific experts, clerical assistants and other personnel, and the funds nec-  
5 essary in the judgment of such board to pay for such services shall be  
6 included in the annual budget of the county. The chief medical examiner  
7 shall annually, before December first, submit a statement of budget require-  
8 ments for the administration of his office for the ensuing fiscal year. The  
9 board of chosen freeholders shall in its discretion, upon request of the chief  
10 medical examiner, provide suitable quarters and equipment necessary for the  
11 proper performance of the duties of his office.

1       6. Duties of chief and assistant medical examiners. The chief medical  
2 examiner or an assistant medical examiner shall be on call at all times for  
3 the performance of his duties.

4       When, in the county, any person shall die as a result of violence, or  
5 by casualty or suicide, or suddenly when in apparent health, or when unat-  
6 tended by a physician, or within twenty-four hours after admission to a  
7 hospital or institution, or in prison, or in a suspicious or unusual manner,  
8 or under any of the above circumstances in any institution located in the  
9 county, maintained in whole or in part at the expense of the State or county,  
10 the police department of the municipality in which he died, or the superin-  
11 tendent or medical director of the institution in which he died, or the physi-  
12 cian called in attendance, shall immediately notify the office of the chief med-  
13 ical examiner of the known facts concerning the time, place, manner and cir-  
14 cumstances of the death. Immediately upon receipt of such notification the  
15 chief medical examiner, or an assistant medical examiner, shall fully in-  
16 vestigate the essential facts concerning the death. If necessary, he shall go  
17 to the dead body and take charge thereof.

18       The examiner shall fully investigate the death, taking the names and  
19 addresses of as many witnesses thereof as it may be practicable to obtain,  
20 and before leaving the premises shall reduce all such facts to writing. He shall  
21 file his report in the office of the chief medical examiner.

1       7. Preservation of deceased's property; inventory; articles held as evi-  
2 dence. The chief medical examiner, or the assistant medical examiner in-  
3 vestigating the case, shall, in the absence of next of kin of the deceased  
4 person, take possession of all property of value of the deceased, making an  
5 exact inventory thereof on his report, and deliver such property to the office  
6 of the chief medical examiner, who shall surrender the same to the person  
7 entitled to its custody or possession.

8       The examiner shall take possession of any objects or articles which, in  
9 his opinion, may be useful in establishing the cause of death, and deliver  
10 them to the police department or prosecutor's office investigating the death.

1 8. Report of cause of death; filing, autopsy; detailed description filed.  
2 If the cause of the death shall, by examination, be established to the satis-  
3 faction of the medical examiner in charge, he shall file a report thereof in  
4 the office of the chief medical examiner. If in the opinion of such medical  
5 examiner an autopsy is necessary it shall be performed by the chief or an  
6 assistant medical examiner.

7 A detailed description of the findings written during the progress of the  
8 autopsy and the conclusions drawn therefrom shall be filed in the office of the  
9 chief medical examiner.

1 9. Records; copies furnished prosecutor; property of county. The chief  
2 medical examiner shall keep full and complete records, which shall be kept  
3 in his office, properly indexed, stating the name, if known, of every such  
4 person, the place where the body was found, date of death, cause, and all  
5 other available information. The original report of the chief or assistant  
6 medical examiner and the detailed findings of the autopsy, if any, shall be  
7 attached to the record of each case.

8 The chief medical examiner shall promptly deliver to the prosecutor of  
9 the county copies of all records relating to every death in which, in the  
10 judgment of the chief medical examiner, further investigation may be deemed  
11 advisable. The prosecutor may obtain from the office of the chief medical  
12 examiner copies of records, and such other information as he may deem  
13 necessary.

14 All records of the office of chief medical examiner shall be the prop-  
15 erty of the board of freeholders.

1 10. Records or transcripts as evidence. The records of the office of the  
2 chief medical examiner made by him or by anyone under his direction or  
3 supervision shall be considered public records, and the records or transcripts  
4 thereof certified by the chief medical examiner shall be received in any court  
5 in this State as evidence of the matters and facts therein contained.

6 The records which shall be admissible as evidence under this section shall  
7 be records of the results of views and examinations of or autopsies upon the

8 bodies of deceased persons by the chief medical examiner or by anyone acting  
9 under his direction, supervision or control, and shall not include statements  
10 made by witnesses or other persons.

1 11. Disinterment of bodies upon court order. In any county having a  
2 chief medical examiner, a justice of the Supreme Court or judge of the  
3 court of common pleas may, upon application and without notice, order the  
4 disinterment of any body under the direction and supervision of the chief  
5 medical examiner, and authorize the removal by the chief medical examiner  
6 of the body to the public morgue for the purpose of examination or autopsy.

1 12. Burial of unknown or unclaimed persons; cost of burial. The chief  
2 or assistant medical examiner, upon taking charge of the remains of any  
3 unknown or unclaimed person, shall arrange for his burial. If such person  
4 shall have died leaving no estate, the cost of the burial shall be paid by the  
5 county as provided by law, and if such person shall leave sufficient estate  
6 to pay for the burial, the cost thereof, certified by the chief medical exam-  
7 iner, shall be paid out of the estate.

1 13. Property of deceased delivered to county treasurer; disposition. The  
2 chief medical examiner shall take charge of all of the money, clothing and  
3 other valuable personal effects of the deceased found in connection with or  
4 pertaining to the body, and after using such of the clothing as may be nec-  
5 essary in the burial of the body, shall make a verified inventory of such  
6 effects. He shall deliver the inventory and the effects to the county treas-  
7 urer within one month after the burial of the body.

8 The county treasurer may, at his discretion, sell the effects at public  
9 sale to the highest bidder on such notice as is required by law in case of  
10 sale of personal property by a constable under execution, or may, in the case  
11 of an unclaimed identified person, apply for administration of the estate as  
12 provided by law.

13 The county treasurer, after holding the proceeds of the sale for one year,  
14 shall, if not claimed within that time by the next of kin, dispose thereof as  
15 the board of chosen freeholders may direct for the benefit of the county.

1 14. Power to administer oaths and affidavits. The chief medical exam-  
2 iner and all assistant medical examiners may administer oaths and take affi-  
3 davits, proofs and examinations as to any matter within the jurisdiction of  
4 his office.

1 15. Citizens to report certain deaths; misdemeanor. A citizen who may  
2 become aware of any person who shall have died of criminal violence, or by  
3 casualty or suicide, or in any suspicious or unusual manner, shall report  
4 such death to the office of the chief medical examiner, or to the police depart-  
5 ment of the municipality in which such person died.

6 A person who shall willfully neglect or refuse to report such death, or  
7 who, without an order from the office of the chief medical examiner, shall  
8 willfully touch, remove, or disturb the body of any such person, or touch,  
9 remove, or disturb the clothing or any article upon or near such body, shall  
10 be guilty of a misdemeanor.

1 16. Coroner's powers vested in chief medical examiner; jury of inqui-  
2 sition unnecessary. All the duties and powers vested in or conferred upon  
3 coroners in connection with the death of any unknown or unclaimed person  
4 who shall have died in any county in which there shall be a chief medi-  
5 cal examiner, or in connection with the death of any person in such county  
6 by violence, or by casualty or suicide, or suddenly when in apparent health,  
7 or when unattended by physician, or within twenty-four hours after admission  
8 to any hospital or institution, or in prison, or in any suspicious or unusual  
9 manner, or under any of the above circumstances in any institution located  
10 in such county maintained in whole or in part at the expense of the State  
11 or county, shall be vested in and conferred upon the chief medical exam-  
12 iner, where such office has or shall have been established, but the chief  
13 medical examiner shall not be required to summon a jury of inquisition.

1 17. Morgues and morgue keepers; designation and appointment. The  
2 chief medical examiner in each county of the second class shall, subject to  
3 the approval of the board of chosen freeholders, designate not more than  
4 five places of proper character furnished with sufficient accommodation and

5 appliances as a county public morgue or morgues and may, subject to the ap-  
6 proval of the board, appoint a keeper or keepers thereof for a term of five  
7 years from the date of their appointment.

8 The chief medical examiner shall have supervision over such morgue and  
9 morgue keepers, and may, subject to the approval of the board, remove such  
10 morgue keepers and appoint, as provided herein, morgue keepers in their  
11 stead.

12 The terms of office of morgue keepers serving in any county of the sec-  
13 ond class not having a chief medical examiner, shall expire upon the appoint-  
14 ment of a chief medical examiner therein.

1 18. Duties of morgue keepers; burial certificates for unclaimed dead.  
2 The morgue keepers shall be required to furnish suitable room or rooms for  
3 the holding of all examinations should they be deemed necessary, and take  
4 in charge and make such disposal of the bodies of deceased persons as the  
5 chief medical examiner shall direct.

6 The fees and expenses of the morgue keepers for the recovery, care and  
7 burial of bodies of such deceased persons shall be fixed by the board of  
8 chosen freeholders on the recommendation of the chief medical examiner and  
9 paid by the county treasurer.

10 The chief or assistant medical examiner shall grant exclusively to the  
11 morgue keepers burial certificates for the unknown or unclaimed dead.

12 The expense of such burial shall be a charge upon the county and the  
13 amount thereof shall be fixed by the board of chosen freeholders on the  
14 recommendation of the chief medical examiner.

1 19. Identified body delivered to relatives; morgue keepers' records. If  
2 any unknown or unclaimed dead body shall be identified after being placed in  
3 the morgue, the morgue keeper shall upon order of the chief medical ex-  
4 aminer, deliver it to the relative or friend making a demand therefor, who  
5 shall make known the name and last residence of the deceased and sign a  
6 written receipt for the body in the book to be kept by the morgue keeper for

7 that purpose. The morgue keepers shall keep a correct record of all bodies  
8 deposited in the morgue.

1 20. This act shall take effect immediately.

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#### STATEMENT

In the populous counties other than those of the first class, there has been considerable apprehension upon the part of the judiciary and the prosecutor concerning proof in homicide cases and the records of the county physician pertaining thereto. The purpose of this act is to provide for,—at the option of the freeholders,—a medical examiner in counties of the second class, so that the records of views and autopsies shall be public. This act will also facilitate criminal investigations when the disinterment of a body becomes necessary. It makes the medical records of sudden and violent deaths public records. It is a permissive act and a step forward in the conduct of public business. It is a companion act to that relating to medical examiners in first-class counties in effect since 1927.

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9 the board of chosen freeholders for five years.

1 2. **Qualifications; oath.** The board of chosen freeholders shall select as  
2 such chief medical examiner a licensed doctor of medicine, resident in the  
3 county, of recognized ability and good standing in his community. Before  
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5 before the county clerk that he will faithfully and impartially perform the  
6 duties of his office to the best of his skill and understanding. His oath shall  
7 be filed in the office of the county clerk.

1     **3. Assistant medical examiners; qualifications and duties.** The board  
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3 medical examiners as shall be necessary for the proper performance of the  
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8 or under any of the above circumstances in any institution located in the  
9 county, maintained in whole or in part at the expense of the State or county,  
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5 shall make known the name and last residence of the deceased and sign a  
6 written receipt for the body in the book to be kept by the morgue keeper for  
7 that purpose. The morgue keepers shall keep a correct record of all bodies  
8 deposited in the morgue.

1 20. This act shall take effect immediately.