

R.S. 52:17B-78 et seq.

December 23, 1968

LEGISLATIVE HISTORY OF R.S. 52:17B-78 et seq. (MEDICAL EXAMINER ACT)

The attempts to eliminate the office of coroner and to replace it with an office of trained medical personnel began in 1955. A series of bills was introduced and are listed below.

1955 - A380

Introduced March 7 by Savino.
June 1 - Passed Assembly, amended.
Sept. 23 - Passed Senate.
December 5 - Vetoed by the Governor.
Amended during passage.
No statement.
Copy of Veto Message included

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1959 - A589

March 23 - Introduced by Franklin and Mariziti.
March 23 - Inst., Public Health & Welfare Committee.
April 13 - Reported, 2nd reading.
May 25 - Passed in Assembly.
July 27 - Received in Senate.
July 27 - Inst., Public Health & Welfare Committee.
Not amended during passage.
Statement:

This bill will permit the appointment of chief medical examiner in counties of the third class.

1959 - A596

March 23 - Introduced by Bateman and Savino.
March 23 - Inst., Public Health & Welfare Committee.
Not amended during passage.
Statement: Yes.

1960 - S213, Chapter 19

April 25 - Introduced by Cowgill.
April 25 - Passed both houses under emergency resolution.
May 2 - Approved, Chapter 19.
Not amended during passage.
No statement.

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1967 - S19

January 10 - Introduced by Stamler and Fernicola.
January 10 - Committee on Law and Public Safety.
No statement.
Not amended during passage.

L. 1967, Chapter 234 - A785

March 20 - Introduced.
May 1 - Passed in Assembly.
May 8 - Passed in Senate.
November 20 - Approved.
Bill amended by Assembly and Assembly Committee
during passage.
Statement to the bill read as follows:

"This bill establishes the Division of
State Medical Examination in the State Department
of Law and Public Safety and the office of county
medical examiner in each of the several counties
and implements a proposal contained in the
Governor's Fifth Annual Message."

No recent hearings or reports found on this subject.

Checked but found no articles on subject in the following
periodicals:

Journal of the Medical Society of N.J.
Public Health News.

Newspaper commentary in vertical file under "New Jersey--Medical
Examiner".

JH/FC

FROM: OFFICE OF THE GOVERNOR

FOR RELEASE: November 20, 1967

Governor Richard J. Hughes today signed into law the following bill:

ASSEMBLY BILL NO. 785 -- which creates the office of State Medical Examiner within the Department of Law and Public Safety and provides for the appointment of county medical examiners by County Boards of Chosen Freeholders.

The measure also creates a seven-member State Medical Examiner Advisory Committee consisting of the Commissioner of Health, the Attorney General, the Superintendent of State Police, the respective chairmen of the departments of pathology at Rutgers Medical School and the New Jersey College of Medicine and Dentistry, and two citizens to be appointed by the Governor.

County medical examiners under this legislation will replace the office of county coroner in counties which still retain the coroner system.

ASSEMBLY, No. 785

STATE OF NEW JERSEY

INTRODUCED MARCH 20, 1967

By Assemblymen CURRY, BIBER, YESKO, GAVAN, WOODSON, McLEON, FRIEDLAND, ALBANESE, TANZMAN and WILENTZ

Referred to Committee on State Government

AN Act creating the Division of State Medical Examination in the State Department of Law and Public Safety and prescribing its functions, powers and duties; establishing the office of county medical examiner; abolishing the county offices of coroners, county physicians and chief medical examiners and transferring their functions, powers and duties to the office of county medical examiner; and providing for an appropriation.

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

3 1. This act shall be known as, and may be cited as, the "State
4 Medical Examiner Act."

5 2. There is hereby established in the State Department of Law
6 and Public Safety the Division of State Medical Examination. The
7 division shall be under the immediate supervision of a director,
8 who shall be known as the "State Medical Examiner" and who
9 shall be a duly licensed physician, a graduate of a regularly
10 chartered and legally constituted medical school or college and a
11 qualified forensic pathologist. He shall be appointed by the
12 Governor, with the advice and consent of the Senate, and shall serve
13 ****[during the term of the Governor appointing him]**** ***for a*
14 *term of 5 years*** and until his successor is appointed and has
15 qualified. He shall receive such salary as shall be provided by law.
16 The Attorney General shall, subject to provisions of Title 11 of the
17 Revised Statutes relating to Civil Service, appoint such other per-
18 sonnel as he may consider necessary for the efficient performance
19 of the work of the division. He shall prescribe the duties of all
20 such persons thus appointed and shall fix their compensation within
21 the limits of available appropriations.

22 3. The State Medical Examiner shall have general supervision

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

1 over the administration of and shall enforce the provisions of this
2 act. He shall have general supervision over all county medical
3 examiners. He shall promulgate such rules and regulations as
4 he may deem necessary to effectuate the provisions of this act.

5 4. The Attorney General shall provide the State Medical
6 Examiner with such laboratories, furniture, equipment, records
7 and supplies as may be required in the conduct of his office. The
8 Attorney General may, if he deems it advisable to do so, enter into
9 agreements with the State Department of Health or with any State-
10 operated college or school of medicine or public hospital for the
11 use of certain of its laboratories, morgues and other technical
12 facilities, and space in its buildings as offices and laboratories for
13 the State Medical Examiner and his staff. In the discretion of
14 the Attorney General, the State Medical Examiner and his as-
15 sistants may be made available to such educational institutions for
16 the teaching of legal medicine and other subjects closely related
17 to their duties.

18 5. (a) There is hereby established the State Medical Examina-
19 tion Advisory Committee.

20 (b) The committee shall consist of 7 members, 5 of whom shall
21 be ex-officio members, viz., the Commissioner of Health, the At-
22 torney General and the Superintendent of State Police, or when
23 so designated by them, their deputies; the chairmen of the Depart-
24 ments of Pathology of the Medical School of Rutgers, The State
25 University, and of the New Jersey College of Medicine and
26 Dentistry; and 2 citizens of the State to be appointed by the Gov-
27 ernor with the advice and consent of the Senate for terms of 5
28 years. A citizen member shall hold office for the term of his
29 appointment and until his successor shall have been appointed and
30 qualified. Vacancies shall be filled by appointment for the unex-
31 pired term only.

32 (c) Any member of the committee may be removed from office
33 by the Governor for cause, upon notice and opportunity to be
34 heard.

35 (d) The members of the committee shall serve without compensa-
36 tion but shall be reimbursed for reasonable and necessary expenses
37 incurred in the performance of their duties.

38 (e) The Attorney General and the State Medical Examiner shall
39 be the chairman and secretary, respectively, of the committee.
40 The committee shall meet at the call of its chairman and at least 4
41 times each year, the time and place for such meetings to be fixed
42 by the chairman.

43 (f) The committee shall consult with and advise the State

1 Medical Examiner with respect to rules and regulations proposed
2 to be promulgated pursuant to this act and advise the State Medical
3 Examiner on matters concerning post-mortem examination
4 generally.

5 6. The office of county medical examiner is hereby created and
6 shall be maintained in each county, except that several counties
7 may jointly maintain the office on a co-operative basis. The office
8 shall be directed by a county medical examiner who shall be ap-
9 pointed**[, subject to the approval of the State Medical Exam-
10 iner,]** by the board or boards of chosen freeholders of the county
11 or counties maintaining such office for a term of 5 years; provided,
12 however, that any person in office as county physician or chief
13 medical examiner on the effective date of this act shall continue
14 as county medical examiner until the expiration of the term for
15 which he was appointed. The county medical examiner shall be a
16 licensed physician, a resident **[in]** **of** the county, of recog-
17 nized ability and good standing in his community, with such train-
18 ing or experience as **[shall be required]** **may be prescribed
18A by standards promulgated** by the State Medical Examiner **by
18B rule or regulation**.

19 If the board of chosen freeholders shall fail to appoint a county
20 medical examiner or if the office of county medical examiner shall
21 become vacant or upon the written request of any assignment judge
22 of the Superior Court or of the board of chosen freeholders of
23 the county, the State Medical Examiner shall designate one of
24 his assistants to perform the duties of the office. Whenever the
25 State Medical Examiner shall have taken over the duties of a
26 county medical examiner, he shall have all the authority conferred
27 by law upon a county medical examiner and he may appoint such
28 temporary assistants, aides, investigators or other personnel as
29 he may deem necessary. In such event there shall be paid, by the
30 treasurer of the county or counties, as the case may be, such sum
31 for this service as the assignment judge of the Superior Court of
32 the county or counties or a judge of a County Court of said county
33 or counties shall certify and fix, on the application of the State
34 Medical Examiner, provided, that the compensation allowed shall
35 not exceed that provided by law for the payment of the county
36 medical examiner in said county or counties for the same or similar
37 services.

38 7. The county medical examiner may, subject to the approval of
39 the board of chosen freeholders, appoint and prescribe the duties
40 of such deputy or assistant county medical examiners and other
41 personnel required for the proper performance of the duties of the
42 office. The deputy and assistant county medical examiners shall be
43 licensed physicians and shall possess such qualifications as shall be

1 determined by the county medical examiner after consultation with
2 the State Medical Examiner.

3 8. The salaries and expenses incurred by the office of county
4 medical examiner shall be included in the annual budget of the
5 county or counties served by such office and the respective boards
6 of chosen freeholders shall fix the compensation to be paid the
7 county medical examiner, deputy and assistant medical examiners
8 and other personnel of the office. The board or boards of chosen
9 freeholders shall provide suitable quarters and equipment neces-
10 sary for the performance of the duties of the office of county medical
11 examiners.

12 9. An investigation shall be conducted in the manner hereinafter
13 described in the case of all human deaths from the following causes:

14 a. Violent deaths, whether apparently homicidal, suicidal or
15 accidental, including but not limited to death due to thermal,
16 chemical, electrical or radiation injury and deaths due to criminal
17 abortion, whether apparently self-induced or not;

18 ***[b. Sudden deaths when the individual was not disabled by**
19 **readily recognizable disease;]***

19A **b. Deaths not caused by readily recognizable disease, disability*
19B *or infirmity*****[, where there is a reasonable possibility of criminal**
19C **action]**;***

20 c. Deaths under suspicious or unusual circumstances;

21 d. Deaths within 24 hours after admission to a hospital or
22 institution;

23 e. Deaths of inmates of prisons;

24 f. Deaths of inmates of institutions maintained in whole or in
25 part at the expense of the State or county, where the inmate was
26 not hospitalized therein for organic disease;

27 ***[g. Deaths of persons whose bodies are to be cremated, dis-**
28 **sected, buried at sea or otherwise disposed of so as to be thereafter**
29 **unavailable for examination; and]***

29A **g. Deaths from causes which might constitute a threat to public*
29B *health; and**

30 h. Deaths related to disease resulting from employment or to
31 accident while employed.

32 10. Upon the death of any person from any of the causes men-
33 tioned in section 9 of this act, it shall be the duty of the physician
34 in attendance, any law enforcement officer having knowledge of such
35 death, the funeral director, or any other person present, to notify
36 immediately the county medical examiner and the county prosecutor
37 of the county wherein the death occurred of the known facts con-
38 cerning the time, place, manner and circumstances of such death.
39 Immediately upon receipt of such notification, the said medical

1 examiner or his deputy or assistant shall go to the dead body and
1A take charge of the same. He shall fully investigate the essential
1B facts concerning the medical causes of death and take the names
1C and addresses of as many witnesses thereto as may be practicable
1D to obtain, and, before leaving the premises shall reduce such facts,
2 as he may deem necessary to writing and file the same in his office
3 and which shall be made available to the county prosecutor at his
4 request. The police officer present at such investigation, or if no
5 officer be present, then the medical examiner shall, in the absence
6 of the next of kin of the deceased person, take possession of all
7 property of value found on such person, make an exact inventory
8 thereof on his report and deliver such property to the police depart-
9 ment of the municipality wherein the death occurred, which shall
10 surrender the same to the person entitled to its custody or
11 possession. The medical examiner shall take possession of any
12 objects or articles which, in his opinion, may be useful in establish-
13 ing the cause of death, and deliver them to the county prosecutor.
14 11. If the cause of such death shall be established beyond a
15 reasonable doubt, the county medical examiner shall reduce his
16 findings to writing and promptly make a full report thereof to the
17 State Medical Examiner and to the county prosecutor on forms to
18 be prescribed by the State Medical Examiner for such purpose.
19 If, however, in the opinion of the county medical examiner, the
20 State Medical Examiner, an assignment judge of the Superior
21 Court, the county prosecutor or the Attorney General, an autopsy
22 is necessary, the same shall be performed by (1) the State Medical
23 Examiner or an assistant designated by him or by (2) the county
24 medical examiner or a deputy or assistant county medical examiner
25 provided either has the recognized training or experience in
26 forensic pathology or by (3) such competent forensic pathologists
27 as may be authorized by the State Medical Examiner. A detailed
28 description of the findings written during the progress of such
29 autopsy, and the conclusions drawn therefrom shall thereupon
30 be filed in the offices of the State Medical Examiner, the county
31 medical examiner and the county prosecutor. It shall be the duty
32 of any county medical examiner to call upon the State Medical
33 Examiner or an assistant State medical examiner, or other person
34 authorized and designated by the State Medical Examiner, to make
35 an examination or perform an autopsy whenever he deems it
36 necessary or desirable, and it shall be the duty of the State Medical
37 Examiner or assistant State medical examiner to perform such
38 examination, except in such cases as a competent pathologist is so
39 authorized by the State Medical Examiner to perform such autopsy.

1 The necessary expenses for transportation of a body for autopsy
1A by the State Medical Examiner or an assistant State medical
1B examiner or an authorized pathologist and such reasonable fee
1C payable to the authorized pathologist as has been approved by the
1D State Medical Examiner for each autopsy such authorized
2 pathologist may perform shall be paid by the State.

3 12. Any person who may become aware of any death by criminal
4 violence or by accident or suicide or in any suspicious or unusual
5 manner, shall report such death to the office of county medical
6 examiner, the office of State Medical Examiner, or to the police
7 department of the municipality in which such person died.

8 Any person who shall willfully neglect or refuse to report such
9 death, or who, without an order from the office of county medical
10 examiner or the office of State Medical Examiner, shall willfully
11 touch, remove or disturb the body of any such person, or touch,
12 remove or disturb the clothing upon or near such body, is a
13 disorderly person.

14 13. a. All law enforcement officers, county prosecutors and other
15 officials shall co-operate fully with the offices of the State Medical
16 Examiner and of the county medical examiners in making the
17 investigations and conducting the autopsies herein provided. Such
18 officials and all physicians, funeral directors, embalmers and other
19 persons shall assist in making dead bodies and related evidence
20 available to such medical examiners for investigations and
21 autopsies.

22 In cases of apparent homicide or suicide, or of accidental death
23 the cause of which is obscure, the scene of the event shall not be
24 disturbed until authorization by the medical examiner in charge
25 is given.

26 b. Any physician, funeral director ***[or]***,* embalmer **or other*
27 *person** who willfully fails to comply with this section or with
28 section 10 shall be guilty of a misdemeanor.

29 14. The State Medical Examiner, the assistant State medical
30 examiners and the county medical examiners, shall have the power
31 to administer oaths and affirmations, and take affidavits and make
32 examinations as to any matter within the jurisdiction of their
33 respective offices.

34 15. It shall be the duty of the State Medical Examiner, and the
35 county medical examiners, to keep full and complete records in
36 their respective offices, properly indexed, giving the name, if known,
37 of every such person, the place where the body was found, date
38 and cause of death, and all other available information relating
39 thereto. The original report of the State Medical Examiner,

1 assistant State medical examiners, or county medical examiners,
1A and the detailed findings of the autopsy, if any, shall be attached
1B to the record of each case. The State Medical Examiner, or in
1C case of his absence or inability, an assistant State medical examiner,
1D and the county medical examiners, shall promptly deliver to the
2 county prosecutor of the county wherein the death occurred copies
3 of all records relating to every death in which, in the judgment of
4 such medical examiner, further investigation may be deemed
5 advisable. The county prosecutor may obtain from the office of
6 the State Medical Examiner, or of the county medical examiners,
7 as the case may be, copies of such records or other information
8 which he may deem necessary. The records of the office of the
9 State Medical Examiner, and of the county medical examiners,
10 made by themselves or by anyone under their direction or super-
11 vision, or transcripts thereof certified by such medical examiner,
12 shall be received as competent evidence in any court in this State
13 of the matters and facts therein contained. A reasonable fee may
14 be charged to private persons for copies of such records and upon
15 such conditions as may be prescribed by the State Medical Exam-
16 iner; provided, however, that no person with a proper interest
17 in such records shall be denied access thereto. All such fees collected
18 by the State Medical Examiner and county medical examiners
19 shall be paid into the State Treasury or county treasury, respec-
20 tively, on or before the tenth day of each month. The records
21 which shall be admissible as evidence under this section shall be
22 records of the results of views and examinations of or autopsies
23 upon the bodies of deceased persons by such medical examiner,
24 or by anyone under his direct supervision or control, and shall
25 not include statements made by witnesses or other persons.

26 16. The offices of coroner, county physician and chief medical
27 examiner are hereby abolished but the powers and duties of said
28 offices except insofar as they may be inconsistent with this act
29 are continued and shall be exercised through the office of county
30 medical examiner.

31 17. All acts and parts of acts inconsistent with this act are
32 hereby superseded and repealed.

33 18. There is hereby appropriated to the State Department of
34 Law and Public Safety for the purposes of the Division of State
35 Medical Examination the sum of \$50,000.00 for the fiscal year
36 ending June 30, 1968.

37 19. This act shall take effect January 1, 1968, but any appoint-
38 ments authorized by this act may be made prior thereto to take
39 effect January 1, 1968.

ASSEMBLY COMMITTEE AMENDMENTS TO

ASSEMBLY, No. 785

STATE OF NEW JERSEY

ADOPTED APRIL 17, 1967

Amend page 4, section 9, lines 18-19, omit in their entirety and insert a new subsection "b" as follows:

"b. Deaths not caused by readily recognizable disease, disability or infirmity, where there is a reasonable possibility of criminal action;"

Amend page 4, section 9, lines 27-29, omit in their entirety and insert a new subsection "g" as follows:

"g. Deaths from causes which might constitute a threat to public health; and"

Amend page 6, section 13, line 26, omit "or", insert ","; after "embalmer", insert "or other person".