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OPINION NO. 85-156

June 25, 1985

Honorable Tom Watson
State Senator
Route 1
Monette, AR 72447

Dear Senator Watson:

This letter is in response to your letter inquiring as to the intent of Act 216 of 1985 (Ark. Stat. Ann. §42-615).

In 1969 the legislature passed a law which requires physicians and certain other persons to notify the sheriff and medical examiner of the deaths occurring under listed circumstances. That law, Act 321 of 1969, §5, did not contain a penalty provision.

Act 216 of 1985 amended §5 of Act 321 of 1969 (Ark. Stat. Ann. §42-615) by making the violation of the Act a Class A misdemeanor. Act 216 also added the requirement that the deaths required to be reported to the sheriff and medical examiner would also be required to be reported to the coroner.

The act specifies that the following categories of human deaths are to be reported:

violent deaths, whether by homicide, suicide,
accident, industrial accident, or suspected
child abuse;

deaths due to thermal, chemical, electrical or
radiation injury;

death due to criminal abortion;

sudden death of persons in apparent good health;

deaths of prison or jail inmates; or

any suspicious or unusual or unnatural deaths.

The persons responsible for reporting these deaths are:

- the attending physician;
- any law enforcement officer having knowledge of the death;
- the undertaker;
- the jailer, if the deceased is a prisoner; and
- "any other person present".

In preparing a response to your letter, members of my staff visited with Mr. Dick Pace, Greene County Coroner. Coroner Pace advises that numerous questions have been raised by physicians, coroners, and funeral directors concerning the application of the act to specific factual situations. Of great concern is guidance as to which deaths require reporting. We are not able at this juncture to define and refine the categories of deaths to be reported beyond the definitions appearing in the act.

Questions have arisen as to whether the reporting individual is required to notify the sheriff, the coroner and the medical examiner, or whether notification of one of these officials would meet the requirements of the law. The clear language requires that any person who has a duty to notify must notify all three officials.

An additional question is whether a funeral director who has actual knowledge that the sheriff and coroner have knowledge of the death still has the responsibility to notify the medical examiner. It appears that the funeral director would be in violation of the act if he failed in these circumstances to notify the medical examiner. Furthermore, the fact that the physician has notified the sheriff, coroner, and medical examiner would not relieve the funeral director of his duty to give notification to these same persons.

This office is aware that numerous other problems face the coroners of Arkansas. We will be happy to work with the coroners to obtain clarification and solutions to these problems.

Sincerely,



STEVE CLARK
Attorney General