

## Substitute for SENATE BILL No. 244

By Committee on Ways and Means

3-26

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AN ACT concerning district coroners; amending K.S.A. 2002 Supp. 22a-215 and repealing the existing section.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. K.S.A. 2002 Supp. 22a-215 is hereby amended to read as follows: 22a-215. (a) The coroner *of the county of death* shall cause the body of a deceased person to be delivered to the immediate family or the next of kin of the deceased ~~in accordance with the provisions of K.S.A. 65-904, and amendments thereto~~ *willing to accept financial responsibility for disposition of the body.* If ~~there is~~ no immediate family or next of kin *is willing to accept financial responsibility,* the coroner shall report and make delivery in accordance with the provisions of article 9 of chapter 65 of Kansas Statutes Annotated. If no such delivery is required *and the body is unidentified,* the coroner shall ~~cause the body of such deceased person to be cremated or buried. The state or county officer responsible for the final disposition of the deceased person may authorize and order the cremation or burial of such deceased person. Cremation or burial expenses shall be paid from any property found with the body. If there is no property found with the body or if the property is not sufficient to cover such expenses and if the deceased was eligible for assistance under the provisions of article 7 of chapter 39 of Kansas Statutes Annotated expenses of final disposition shall be paid in accordance with the provisions of K.S.A. 39-713d, and amendments thereto~~ *make a reasonable effort to identify the deceased. If the body is not identified, the coroner may direct the disposition of the body. If the body is identified and there is no immediate family, next of kin, or other person authorized to direct disposition pursuant to K.S.A. 65-1734, and amendments thereto, who will accept financial responsibility therefor, then the coroner shall authorize disposition of the body. Any expenses related to the disposition of the body shall be paid for from the property of the deceased. If the property of the deceased is not sufficient to cover such expenses and if the deceased was eligible for assistance under the provisions of K.S.A. 39-701 et seq., the expenses shall be paid in accordance with K.S.A. 39-713d, and amendments thereto, if applicable.* Otherwise, such expenses shall be paid from the county general fund unless the deceased died in the custody of the

1 secretary of corrections. Expenses of final disposition of the unclaimed  
2 bodies of deceased inmates in the custody of the secretary of corrections  
3 shall be paid by the department of corrections.

4 *(b) The Kansas department of social and rehabilitation services shall*  
5 *provide the county responsible for disposition of a deceased under sub-*  
6 *section (a) of this section with information concerning next-of-kin and*  
7 *assets of the deceased, if available.*

8 ~~(b)~~ *(c) Any coroner who, over the protest of the immediate family or*  
9 *next of kin willing to accept financial responsibility for the disposition of*  
10 *the deceased, delivers or causes to be delivered the body of a deceased*  
11 *person for final disposition to a particular embalmer, funeral director or*  
12 *funeral establishment, shall be deemed guilty of a class B nonperson*  
13 *misdemeanor and upon conviction thereof shall forfeit the coroner's*  
14 *office.*

15 *(d) The county responsible for the cost of disposition of the deceased*  
16 *shall be entitled to the assets of the deceased to the extent of any dispo-*  
17 *sition costs incurred and may petition the district court to recover such*  
18 *expenses from the deceased's assets outside probate.*

19 Sec. 2. K.S.A. 2002 Supp. 22a-215 is hereby repealed.

20 Sec. 3. This act shall take effect and be in force from and after its  
21 publication in the Kansas register.

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