

HOUSE BILL No. 2312

By Committee on Health and Human Services

1-31

9 AN ACT concerning autopsies; amending K.S.A. 2006 Supp. 22a-233 and
10 repealing the existing section.

11

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

13 Section 1. K.S.A. 2006 Supp. 22a-233 is hereby amended to read as
14 follows: 22a-233. (a) If, in the opinion of the coroner, an autopsy should
15 be performed, or if an autopsy is requested in writing by the county or
16 district attorney or if the autopsy is required under K.S.A. 22a-242, and
17 amendments thereto, such autopsy shall be performed by a qualified pa-
18 thologist as may be designated by the coroner. A pathologist performing
19 an autopsy, at the request of a coroner, shall be paid a usual and reason-
20 able fee to be allowed by the board of county commissioners and shall
21 be allowed and paid the travel allowance prescribed for coroners and
22 deputy coroners in accordance with the provisions of K.S.A. 22a-228, and
23 amendments thereto, the same to be paid by the board of county com-
24 missioners of the county in which the cause of death occurred except that
25 autopsies performed under K.S.A. 22a-242, and amendments thereto,
26 shall be paid for in accordance with K.S.A. 22a-242, and amendments
27 thereto.

28 (b) If, in the opinion of the secretary of corrections, warden or ad-
29 ministrator of a correctional facility, jail or other institution for the de-
30 tention of persons accused or convicted of crimes, an autopsy of a person
31 who died while in the custody of such official should be performed, such
32 autopsy shall be performed by a qualified pathologist as may be desig-
33 nated by the secretary of corrections, warden or administrator. A pathol-
34 ogist performing an autopsy pursuant to this subsection shall be paid a
35 fee and travel allowance in the same amount as authorized by K.S.A. 22a-
36 228, and amendments thereto. Such fee and travel allowance shall be
37 paid by the correctional facility, jail or other facility where the death
38 occurred from moneys available therefor. For the purposes of this sub-
39 section, custody does not include general supervision of a person on pro-
40 bation, parole, postrelease supervision or constraint incidental to release
41 on bail. This subsection shall not limit the authority of a coroner pursuant
42 to subsection (a).

43 (c) The pathologist performing the autopsy shall remove and retain,

1 for a period of three years, such specimens as appear to be necessary in
2 the determination of the cause of death. *In addition to any other tests*
3 *and procedures, the pathologist performing the autopsy shall test for levels*
4 *of phenylalanine in the dead body.*

5 (d) A full record and report of the facts developed by the autopsy and
6 findings of the pathologist performing such autopsy shall be promptly
7 made and filed with the coroner and with the clerk of the district court
8 of the county in which decedent died. If, in any case in which this act
9 requires that the coroner be notified, the body is buried without the
10 permission of the coroner, it shall be the duty of the coroner, upon being
11 advised of such fact, to notify the county or district attorney, who shall
12 communicate the same to a district judge, and such judge may order that
13 the body be exhumed and an autopsy performed.

14 Sec. 2. K.S.A. 2006 Supp. 22a-233 is hereby repealed.

15 Sec. 3. This act shall take effect and be in force from and after its
16 publication in the statute book.