

Amendment No. CA1

Conference Committee Amendment to (BDR 20-1153)
Senate Bill No. 463 Second Reprint

Proposed by: Conference Committee

Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of S.B. 463 R2 (§§ 7, 7.5).

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of *green bold underlining* is language proposed to be added in this amendment; (3) ~~red-strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) *orange double underlining* is deleted language in the original bill proposed to be retained in this amendment.

HAC



Date: 6/1/2019

S.B. No. 463—Revises provisions related to county officers. (BDR 20-1153)



SENATE BILL NO. 463—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 25, 2019

Referred to Committee on Government Affairs

SUMMARY—Revises provisions related to county officers. (BDR 20-1153)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to coroners; authorizing a coroner to test a decedent for communicable diseases without a court order under certain circumstances; authorizing a coroner to establish certain programs; authorizing a coroner to subpoena certain documents, records and materials; providing that funds from the account for the support of the office of the county coroner can be used to pay expenses relating to certain programs; requiring a postmortem examination be performed by a forensic pathologist under certain circumstances; increasing certain fees for the support of the office of the county coroner; making various other changes relating to coroners; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the duties and responsibilities of a county coroner. (Chapter 259 of NRS) Existing law provides that certain persons, including the county coroner, may petition a court for an order requiring the testing of a person or decedent for exposure to a communicable disease if the decedent may have exposed the person or the person's employees to a communicable disease. (NRS 441A.195) **Section 3** of this bill authorizes a coroner to test a decedent under his or her jurisdiction for communicable diseases without obtaining such a court order if: (1) the coroner or any employees of the coroner came in contact with the blood or bodily fluids of the decedent; (2) a law enforcement officer, emergency medical attendant or firefighter came in contact with the blood or bodily fluids of the decedent before the decedent came under the jurisdiction of the coroner; or (3) any other person came in contact with the blood or bodily fluids of the decedent while rendering care or assistance in an emergency before the decedent came under the jurisdiction of the coroner.

Existing law authorizes a county coroner to use the money in the account created for the support of the office of the county coroner to pay expenses relating to: (1) certain training; (2) the purchase of certain specialized equipment; and (3) youth programs involving the office of the county coroner. (NRS 259.025) **Section 4** of this bill authorizes a county coroner to create: (1) a program to promote the mental health of the employees of the county coroner and any person impacted as a result of providing services in his or her professional capacity in response to an incident involving mass casualties within the county; and (2) a program that provides bereavement services to members of the public. **Section 5** of this bill authorizes the county coroner to pay expenses relating to those programs with money from the account.

Existing law requires a coroner to conduct an investigation when the coroner or a coroner's deputy is informed that a person has been killed, has committed suicide or has suddenly died under such circumstances as to afford reasonable ground to suspect that the death has been occasioned by unnatural means. (NRS 259.050) **Section 6** of this bill authorizes a coroner conducting such an investigation to subpoena the production of any documents, records or materials directly related or believed to contain evidence related to an investigation of the coroner. **Section 6** also provides that where it is apparent or can be reasonably inferred that a death may have been caused by drug use or poisoning, the coroner shall cause a postmortem examination to be performed by a forensic pathologist, unless the death occurred following a hospitalization stay of 24 hours or more.

Section 2 of this bill provides that when a forensic pathologist performs a postmortem examination at the direction of a coroner, the forensic pathologist shall determine the cause of death and the certifier of death shall record the cause of death as determined by the forensic pathologist on the certificate of death.

Existing law requires : (1) the State Registrar to charge and collect a fee for a certified copy of a certificate of death ; and (2) **a district health officer to charge and collect a fee for a certified copy of a record of death.** Existing law further provides that ~~the fee~~ **such fees** must include \$1 ~~for credit to the account~~ for the support of the office of the county coroner of the county . ~~in which the certificate originates. (NRS 440.700) Section~~ **(NRS 440.700, 440.715) Sections 7 and 7.5** of this bill ~~increases~~ **increase** the ~~fee~~ **fees for the support of the office of the county coroner** from \$1 to \$4.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 259 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *If a forensic pathologist performs a postmortem examination on a body under the jurisdiction of the coroner:*

1. The forensic pathologist shall determine the cause of death of the decedent; and

2. The certifier of death shall record on the death certificate the exact cause of death as determined by the forensic pathologist.

Sec. 3. *1. The coroner may cause a decedent under the jurisdiction of the coroner to be tested for communicable diseases without obtaining a court order if:*

(a) A law enforcement officer, emergency medical attendant or firefighter came in contact with the blood or bodily fluids of the decedent in the course of his or her official duties before the decedent came under the jurisdiction of the coroner;

(b) The coroner or an employee of the coroner comes in contact with the blood or bodily fluids of a decedent in the course of his or her official duties; or

(c) Any other person came in contact with the blood or bodily fluids of the decedent while rendering care or assistance in an emergency before the decedent came under the jurisdiction of the coroner.

2. The coroner shall report the results of any test conducted pursuant to subsection 1 to the local health officer.

Sec. 4. *A coroner may establish:*

1. A program to promote the mental health of:

(a) The employees of the office of the coroner; and

1 ***(b) Any person impacted as a result of providing services in his or her***
2 ***professional capacity in response to an incident involving mass casualties within***
3 ***the county.***

4 ***2. A program that provides bereavement services to members of the public***
5 ***within the county.***

6 **Sec. 4.5.** NRS 259.010 is hereby amended to read as follows:

7 259.010 1. Every county in this State constitutes a coroner's district, except
8 a county where a coroner is appointed pursuant to the provisions of NRS 244.163.

9 2. The provisions of this chapter, except NRS 259.025, 259.045, ***subsections***
10 ***3 and 4 of NRS 259.050, and NRS 259.150 to 259.180, inclusive, and sections 2, 3***
11 ***and 4 of this act*** do not apply to any county where a coroner is appointed pursuant
12 to the provisions of NRS 244.163.

13 **Sec. 5.** NRS 259.025 is hereby amended to read as follows:

14 259.025 1. The board of county commissioners of each county may create
15 in the county general fund an account for the support of the office of the county
16 coroner. The county treasurer shall deposit in that account the money received
17 from:

18 (a) The State Registrar of Vital Statistics pursuant to NRS 440.690; and

19 (b) A district health officer pursuant to NRS 440.715.

20 2. The money in the account must be accounted for separately and not as a
21 part of any other account.

22 3. The interest and income earned on the money in the account, after
23 deducting any applicable charges, must be credited to the account.

24 4. Claims against the account must be paid as other claims against the county
25 are paid.

26 5. Except as otherwise provided in subsection 8, the county coroner may use
27 the money in the account to pay expenses relating to:

28 (a) A youth program involving the office of the county coroner, including,
29 without limitation, a program of visitation established pursuant to NRS 62E.720;

30 (b) Training for a member of the staff of the office of the county coroner;

31 (c) Training an ex officio coroner and his or her deputies on the investigation
32 of deaths; ~~and~~

33 (d) The purchase of specialized equipment for the office of the county coroner
34 ~~;~~ ***and***

35 ***(e) Any program established by the coroner pursuant to section 4 of this act.***

36 6. Any money remaining in the account at the end of any fiscal year does not
37 revert to the county general fund and must be carried forward to the next fiscal
38 year.

39 7. Before the end of each fiscal year:

40 (a) The board of county commissioners of each county that constitutes a
41 coroner's district pursuant to NRS 259.010 and which has created an account for
42 the support of the office of the county coroner pursuant to subsection 1 shall
43 designate the office of a county coroner created pursuant to NRS 244.163 to receive
44 the money in the account.

45 (b) The county treasurer of each county that constitutes a coroner's district
46 pursuant to NRS 259.010 and for which the board of county commissioners has
47 created an account for the support of the office of the county coroner pursuant to
48 subsection 1 shall transfer all money in the account to the county treasurer of the
49 county in which the office of the county coroner designated pursuant to paragraph
50 (a) is established.

51 (c) The county treasurer of the county in which the office of the county coroner
52 designated pursuant to paragraph (a) is established shall:

(1) Deposit all the money received pursuant to paragraph (b) into the account created in that county pursuant to subsection 1; and

(2) Account for the money received from each county in separate subaccounts.

8. The office of the county coroner designated to receive money pursuant to subsection 7 may only use the money in each subaccount and any interest attributable to that money to pay expenses which are incurred in the county from which the money was transferred and which relate to the training of an ex officio coroner and his or her deputies on the investigation of deaths.

Sec. 6. NRS 259.050 is hereby amended to read as follows:

259.050 1. When a coroner or the coroner's deputy is informed that a person has been killed, has committed suicide or has suddenly died under such circumstances as to afford reasonable ground to suspect that the death has been occasioned by unnatural means, the coroner shall make an appropriate investigation.

2. In all cases where it is apparent or can be reasonably inferred that the death may have been caused by a criminal act, the coroner or the coroner's deputy shall notify the district attorney of the county where the inquiry is made, and the district attorney shall make an investigation with the assistance of the coroner. If the sheriff is not ex officio the coroner, the coroner shall also notify the sheriff, and the district attorney and sheriff shall make the investigation with the assistance of the coroner.

3. *If it is apparent or can be reasonably inferred by the coroner that a death may have been caused by drug use or poisoning, the coroner shall cause a postmortem examination to be performed on the decedent by a forensic pathologist unless the death occurred following a hospitalization stay of 24 hours or more.*

4. *A coroner may issue a subpoena for the production of any document, record or material that is directly related or believed to contain evidence related to an investigation by the coroner.*

5. The holding of a coroner's inquest is within the sound discretion of the district attorney or district judge of the county. An inquest need not be conducted in any case of death manifestly occasioned by natural cause, suicide, accident, motor vehicle crash or when it is publicly known that the death was caused by a person already in custody, but an inquest must be held unless the district attorney or a district judge certifies that no inquest is required.

~~4.~~ 6. If an inquest is to be held, the district attorney shall call upon a justice of the peace of the county to preside over it. The justice of the peace shall summon three persons qualified by law to serve as jurors, to appear before the justice of the peace forthwith at the place where the body is or such other place within the county as may be designated by him or her to inquire into the cause of death.

~~5.~~ 7. A single inquest may be held with respect to more than one death, where all the deaths were occasioned by a common cause.

Sec. 7. NRS 440.700 is hereby amended to read as follows:

440.700 1. Except as otherwise provided in this section, the State Registrar shall charge and collect a fee in an amount established by the State Registrar by regulation:

(a) For searching the files for one name, if no copy is made.

(b) For verifying a vital record.

(c) For establishing and filing a record of paternity, other than a hospital-based paternity, and providing a certified copy of the new record.

(d) For a certified copy of a record of birth.

(e) For a certified copy of a record of death originating in a county in which the board of county commissioners has not created an account for the support of the office of the county coroner pursuant to NRS 259.025.

(f) For a certified copy of a record of death originating in a county in which the board of county commissioners has created an account for the support of the office of the county coroner pursuant to NRS 259.025.

(g) For correcting a record on file with the State Registrar and providing a certified copy of the corrected record.

(h) For replacing a record on file with the State Registrar and providing a certified copy of the new record.

(i) For filing a delayed certificate of birth and providing a certified copy of the certificate.

(j) For the services of a notary public, provided by the State Registrar.

(k) For an index of records of marriage provided on microfiche to a person other than a county clerk or a county recorder of a county of this State.

(l) For an index of records of divorce provided on microfiche to a person other than a county clerk or a county recorder of a county in this State.

(m) For compiling data files which require specific changes in computer programming.

2. The fee collected for furnishing a copy of a certificate of birth or death must include the sum of \$3 for credit to the Children's Trust Account created by NRS 432.131.

3. The fee collected for furnishing a copy of a certificate of death must include the sum of \$1 for credit to the Review of Death of Children Account created by NRS 432B.409.

4. The fee collected for furnishing a copy of a certificate of death must include the sum of 50 cents for credit to the Grief Support Trust Account created by NRS 439.5132.

5. The State Registrar shall not charge a fee for furnishing a certified copy of a record of birth to:

(a) A homeless person who submits a signed affidavit on a form prescribed by the State Registrar stating that the person is homeless.

(b) A person who submits documentation from the Department of Corrections verifying that the person was released from prison within the immediately preceding 90 days.

6. The fee collected for furnishing a copy of a certificate of death originating in a county in which the board of county commissioners has created an account for the support of the office of the county coroner pursuant to NRS 259.025 must include the sum of ~~(\$4)~~ \$4 for credit to the account for the support of the office of the county coroner of the county in which the certificate originates.

7. Upon the request of any parent or guardian, the State Registrar shall supply, without the payment of a fee, a certificate limited to a statement as to the date of birth of any child as disclosed by the record of such birth when the certificate is necessary for admission to school or for securing employment.

8. The United States Bureau of the Census may obtain, without expense to the State, transcripts or certified copies of births and deaths without payment of a fee.

Sec. 7.5. NRS 440.715 is hereby amended to read as follows:

440.715 1. If a board of county commissioners creates an account for the support of the county coroner pursuant to NRS 259.025, a district health officer who provides a certified copy of a record of death originating in that county shall charge and collect, in addition to any other fee therefor, the sum of ~~(\$4)~~ \$4 for the support of the office of the county coroner created pursuant to NRS 244.163.

2. The district health officer shall remit any money collected pursuant to this section to the county treasurer of the county in which the certificate originates for credit to the account for the support of the office of the county coroner created pursuant to NRS 259.025.

Sec. 8. NRS 441A.195 is hereby amended to read as follows:

441A.195 1. ~~Except as otherwise provided in section 3 of this act, a~~ law enforcement officer, correctional officer, emergency medical attendant, firefighter, county coroner or medical examiner or any of their employees or volunteers, any other person who is employed by or is a volunteer for an agency of criminal justice or any other public employee or volunteer for a public agency who, in the course of his or her official duties, comes into contact with human blood or bodily fluids, or the employer of such a person or the public agency for which the person volunteers, may petition a court for an order requiring the testing of a person or decedent for exposure to a communicable disease if the person or decedent may have exposed the officer, emergency medical attendant, firefighter, county coroner or medical examiner or their employee or volunteer, other person employed by or volunteering for an agency of criminal justice or other public employee or volunteer for a public agency to a communicable disease.

2. When possible, before filing a petition pursuant to subsection 1, the person, employer or public agency for which the person volunteers, and who is petitioning shall submit information concerning the possible exposure to a communicable disease to the designated health care officer for the employer or public agency or, if there is no designated health care officer, the person designated by the employer or public agency to document and verify possible exposure to communicable diseases, for verification that there was substantial exposure. Each designated health care officer or person designated by an employer or public agency to document and verify possible exposure to communicable diseases shall establish guidelines based on current scientific information to determine substantial exposure.

3. A court shall promptly hear a petition filed pursuant to subsection 1 and determine whether there is probable cause to believe that a possible transfer of blood or other bodily fluids occurred between the person who filed the petition or on whose behalf the petition was filed and the person or decedent who possibly exposed him or her to a communicable disease. If the court determines that probable cause exists to believe that a possible transfer of blood or other bodily fluids occurred and, that a positive result from the test for the presence of a communicable disease would require the petitioner to seek medical intervention, the court shall:

(a) Order the person who possibly exposed the petitioner, or the person on whose behalf the petition was filed, to a communicable disease to submit two appropriate specimens to a local hospital or medical laboratory for testing for exposure to a communicable disease; or

(b) Order that two appropriate specimens be taken from the decedent who possibly exposed the petitioner, or the person on whose behalf the petition was filed, to a communicable disease and be submitted to a local hospital or medical laboratory for testing for exposure to the communicable disease.

➤ The local hospital or medical laboratory shall perform the test in accordance with generally accepted medical practices and shall disclose the results of the test in the manner set forth in NRS 629.069.

4. If a judge or a justice of the peace enters an order pursuant to this section, the judge or justice of the peace may authorize the designated health care officer or the person designated by the employer or public agency to document and verify possible exposure to a communicable disease to sign the name of the judge or

1 justice of the peace on a duplicate order. Such a duplicate order shall be deemed to
2 be an order of the court. As soon as practicable after the duplicate order is signed,
3 the duplicate order must be returned to the judge or justice of the peace who
4 authorized the signing of it and must indicate on its face the judge or justice of the
5 peace to whom it is to be returned. The judge or justice of the peace, upon receiving
6 the returned order, shall endorse the order with his or her name and enter the date
7 on which the order was returned. Any failure of the judge or justice of the peace to
8 make such an endorsement and entry does not in and of itself invalidate the order.

9 5. Except as otherwise provided in NRS 629.069, all records submitted to the
10 court in connection with a petition filed pursuant to this section and any
11 proceedings concerning the petition are confidential and the judge or justice of the
12 peace shall order the records and any record of the proceedings to be sealed and to
13 be opened for inspection only upon an order of the court for good cause shown.

14 6. A court may establish rules to allow a judge or justice of the peace to
15 conduct a hearing or issue an order pursuant to this section by electronic or
16 telephonic means.

17 7. The employer of a person or the public agency for which the person
18 volunteers, who files a petition or on whose behalf a petition is filed pursuant to this
19 section or the insurer of the employer or public agency, shall pay the cost of
20 performing the test pursuant to subsection 3.

21 8. As used in this section:

22 (a) "Agency of criminal justice" has the meaning ascribed to it in NRS
23 179A.030.

24 (b) "Emergency medical attendant" means a person licensed as an attendant or
25 certified as an emergency medical technician, advanced emergency medical
26 technician or paramedic pursuant to chapter 450B of NRS.

27 **Sec. 9.** This act becomes effective on July 1, 2019.