

CHAPTER 841
INQUESTS, CORONERS

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" **§841-1 Who are coroners.** The chief of police or his authorized subordinate of the counties of Hawaii, Maui, and Kauai, and the medical examiner of the city and county of Honolulu, shall, ex officio, be the coroner for his respective county. [L 1935, c 90, §1; am L 1939, c 104, §7; am L 1943, c 62, §21 and c 64, §22; RL 1945, §10901; RL 1955, §260-1; HRS §715-1; ren L 1972, c 9, pt of §1]

" **§841-2 Appointment of deputies.** The coroner may appoint as many deputy coroners as the coroner may deem necessary to aid the coroner in the discharge of the coroner's duties as coroner from amongst the subordinates in the coroner's department. [L 1935, c 90, §2; RL 1945, §10902; RL 1955, §260-2; HRS §715-2; ren L 1972, c 9, pt of §1; gen ch 1985]

" **§841-3 Duties.** [(a)] As soon as any coroner or deputy coroner has notice of the death of any person within the coroner's or deputy coroner's jurisdiction as the result of violence, or as the result of any accident, or by suicide, or suddenly when in apparent health, or when unattended by a physician, or in prison, or in a suspicious or unusual manner, or within twenty-four hours after admission to a hospital or institution, the coroner or deputy coroner shall forthwith inquire into and make a complete investigation of the cause of the death.

[(b)] Any person who becomes aware of the death of any person under any of the circumstances set forth above shall immediately notify the coroner or deputy coroner of the known facts concerning the time, place, manner, and circumstances of the death.

[(c)] Any person who fails to report the death of a person under circumstances covered herein shall be subject to a fine of not more than \$100. [L 1935, c 90, §3; RL 1945, §10903; am L 1949, c 355, §1; RL 1955, §260-3; HRS §715-3; ren L 1972, c 9, pt of §1; am L 1977, c 153, §1; gen ch 1985]

" **§841-4 Testimony under oath reduced to writing.** The testimony of all witnesses examined by any coroner or deputy coroner pertaining to the death of any person wherein a coroner's investigation is required, shall be taken under oath, reduced to writing by the coroner, or deputy coroner or by some other person by the coroner's or deputy coroner's direction, and subscribed to by witnesses. [L 1935, c 90, §4; RL 1945, §10904; RL 1955, §260-4; HRS §715-4; ren L 1972, c 9, pt of §1; gen ch 1985]

" **§841-5 Form of oath.** The coroner or deputy coroner may administer an oath to the witnesses as follows:

"You solemnly swear that the evidence you shall give to this inquest concerning the death of the person (giving the name of the person dead if possible) which is now under investigation, shall be the truth, the whole truth, and nothing but the truth: SO HELP YOU GOD." [L 1935, c 90, §5; RL 1945, §10905; RL 1955, §260-5; HRS §715-5; ren L 1972, c 9, pt of §1]

" **§841-6 Subpoenas; penalty for failure to comply.** [(a)] The coroner or any deputy coroner may issue subpoenas for the attendance of any witnesses that the coroner or any deputy coroner may deem necessary to interrogate in the death then under investigation, returnable forthwith or at such place and time as the coroner or any deputy coroner shall therein direct.

[(b)] Any person who fails to comply with the requirements of such a subpoena upon conviction before any district court having jurisdiction in the matter, shall be fined not more than \$25. [L 1935, c 90, §6; RL 1945, §10906; RL 1955, §260-6; HRS §715-6; ren L 1972, c 9, pt of §1; gen ch 1985]

" **§841-7 Reports of investigation.** (a) The coroner or deputy coroner shall reduce the coroner's or deputy coroner's findings to writing in the following form:

STATE OF HAWAII
County (or City and County) of.....
CORONER'S INQUEST

An inquisition taken at..... county (or city and county) of..... on the..... day of..... in the year 20..... before..... coroner of the county upon the body of..... there lying dead, resulted as follows:

That the deceased was named.....; and a native of.....; was aged about.....; that the deceased came to h..... death, on the..... day of..... 20....., from.....

IN WITNESS WHEREOF, the coroner has hereunto set the coroner's hand on this..... day of 20..... .

(b) Upon receipt of a certificate of death from the person in charge of the disposition of the body, the coroner's physician shall thereupon state the name of the disease or condition directly leading to the death; other significant conditions contributing to the death; day on which death occurred; and such other information as may be required on the certificate of death by the director of health in order to

classify the death. The local agent of the department of health shall be notified in writing of the reason for the delay, if the cause of death cannot be determined within three days. [L 1935, c 90, §7; RL 1945, §10907; RL 1955, §260-7; HRS §715-7; ren L 1972, c 9, pt of §1; am L 1973, c 17, §1; gen ch 1993]

Revision Note

The date "19....." in the form was changed to "20....." pursuant to §23G-16.

" **§841-8 Duty to forward copy of reports to any county or prosecuting attorney and to person in charge of disposition of body.** (a) Every coroner, or deputy coroner, shall, without delay, forward to the county attorney in the case of coroners for the counties of Maui and Kauai, and the prosecuting attorney in the case of coroners for the city and county of Honolulu and the county of Hawaii, a true and correct copy of the inquisition.

(b) The coroner's physician shall, in addition, make available without delay the death certificate of the person whose death was investigated to the person in charge of the disposition of the body so that the person in charge may file the death certificate with the local agent of the department of health as required by section 338-9. [L 1935, c 90, §8; RL 1945, §10908; RL 1955, §260-8; HRS §715-8; ren L 1972, c 9, pt of §1; am L 1973, c 17, §2; gen ch 1993]

" **§841-9 Fees.** Upon the application by other than governmental agencies for a certified copy of any coroner's report and inquest, the coroner or deputy coroner shall collect the sum of \$2 as a governmental realization for the preparation and issuance of the same. All fees so collected shall be a general fund realization and shall be immediately deposited with the treasurer or director of finance of the respective counties. [L 1947, c 164, §1; RL 1955, §260-9; HRS §715-9; ren L 1972, c 9, pt of §1]

" **§841-10 Decent burial.** When any coroner or deputy coroner takes an inquest upon the dead body of a stranger or indigent person or, being called for that purpose, does not think it necessary, on view of the body, that any inquest should be taken, the coroner or deputy coroner shall cause the body to be decently buried or cremated. A burial-transit permit authorizing a burial or cremation shall be secured from the local agent of the department of health by the person in charge of such burial or cremation. [L 1935, c 90, §9; RL 1945, §10909;

RL 1955, §260-10; HRS §715-10; ren L 1972, c 9, pt of §1; am L 1973, c 17, §3; gen ch 1985; am L 2000, c 101, §4]

Case Notes

Duty of burial. 42 H. 500 (1958).

" **§841-11 Witness fees and mileage; expenses.** Every witness attending upon any coroner's inquest shall be paid \$1 for each day's actual attendance, and traveling expenses at the rate of 10 cents a mile each way. The fees and mileage of witnesses and all reasonable expenses of the inquisition shall be paid by the county in which the inquest is held. [L 1935, c 90, §10; RL 1945, §10910; RL 1955, §260-11; HRS §715-11; ren L 1972, c 9, pt of §1]

" **§841-12 Removal of corpse.** [(a)] No corpse or remains of any dead human body appearing to have come to death under any of the circumstances set forth in section 841-3, shall be moved or disturbed from its place of death or disposed of by any person including the coroner or the coroner's deputies, the chief of police, or any police officer, without first receiving the authority of the coroner or the coroner's deputy, and of the police officer in charge, and of the coroner's physician. The removal of the body or bodies shall be the duty of the coroner.

[(b)] Any person who violates the provisions of this section shall be subject to a fine of not more than \$100. [L 1941, c 288, pt of §1; RL 1945, §10911; am L 1949, c 355, §2; RL 1955, §260-12; HRS §715-12; ren L 1972, c 9, pt of §1; am L 1977, c 141, §1; gen ch 1985]

" **§841-13 Disposition of personal effects.** The clothing and personal property found on any human body appearing to have come to death under any of the circumstances set forth in section 841-3 may be recovered and held as evidence by any police officer, pending the investigation of the facts and the final disposition of any trial which may arise out of the death. [L 1941, c 288, pt of §1; RL 1945, §10912; am L 1949, c 355, §3; RL 1955, §260-13; HRS §715-13; ren L 1972, c 9, pt of §1]

" **§841-14 Autopsies and further investigations.** [(a)] If, in the opinion of the coroner, or of the coroner's physician, or of the prosecuting attorney, or of the chief of police (in the city and county of Honolulu), an autopsy of the remains of any human body appearing to have come to death under any of the circumstances set forth in section 841-3 is necessary in the interest of the public safety or welfare, that person shall

cause to have performed, such an autopsy. If, in the opinion of the coroner's physician, a further or additional investigation as to the cause of death is necessary, the coroner's physician may conduct the same or have the same made, and the expenses thereof shall be paid by the county concerned, and for this purpose, the coroner's physician shall have the duties and powers conferred upon the coroner or deputy coroner by sections 841-4 to 841-8.

[(b)] Any law to the contrary notwithstanding, the coroner's physician or medical examiner of any county (including the city and county of Honolulu) may cause to have performed an autopsy to determine cause of death upon the remains of any human body which is brought into or found within the State and which appears to have come to death under any of the circumstances set forth in section 841-3, even though such circumstances may have occurred without the State. The coroner's physician or medical examiner of any county (including the city and county of Honolulu) shall have the right to retain tissues, including fetal material, of the body removed at the time of autopsy to be used for necessary or advisable scientific investigation, including research, teaching, and therapeutic purposes. [L 1941, c 288, pt of §1; am L 1943, c 209, §1; RL 1945, §10913; am L 1949, c 355, §4; RL 1955, §260-14; am L 1963, c 84, §1; am L 1967, c 188, §2; HRS §715-14; ren L 1972, c 9, pt of §1; am L 1987, c 23, §2]

" **[§841-14.5] Performance of autopsy by pathologist.** An autopsy of a deceased person under this chapter shall be performed by an anatomic or forensic pathologist certified as such by the American Board of Pathology. [L 1987, c 23, pt of §1]

" **[§841-14.6] Assistance among counties.** (a) When a coroner of a county with a population of less than 200,000 requires assistance in conducting an autopsy, the coroner may request the assistance of the medical examiner or coroner of a county with a population of 200,000 or more. The medical examiner or coroner of the county with a population of 200,000 or more, if agreeable, may provide the assistance.

(b) The county of the coroner requesting the autopsy shall pay for the expenses incurred by the medical examiner or coroner who provides assistance to another coroner under subsection (a). Expenses for which the requesting county shall pay include traveling expenses incurred by a pathologist to the county requesting the assistance, and expenses for transportation of and the conduct of tests on body tissues and organs sent to the

medical examiner or coroner for analysis. [L 1987, c 23, pt of §1]

" **§841-15 Notice to next of kin, expense.** The coroner called to investigate the death of any person shall notify the next of kin, if known, of the death by telephone, letter, cable, or radiogram, as each case may necessitate. The director of finance of the county in which the death occurs may make the disbursement necessary to defray the expenses involved in the notification. [L 1943, c 209, §2; RL 1945, §10914; RL 1955, §260-15; HRS §715-15; ren L 1972, c 9, pt of §1]

Revision Note

The words "treasurer or", preceding "director of finance", deleted to conform to county charters.

" **§841-16 Disposal of decomposed remains.** The coroner's physician may order forthwith the cremation of the remains of any person appearing to have come to death under any of the circumstances set forth in section 841-3 if, in the coroner's physician's opinion, the remains constitute an immediate menace to the public health. The cremation shall be supervised by the coroner and shall take place only after a reasonable amount of investigation has taken place in an effort to establish the identity of the remains and the cause of death. Such cremation shall take place after a burial-transit permit authorizing cremation has been secured from the local agent of the department of health. [L 1949, c 355, pt of §5; RL 1955, §260-16; HRS §715-16; ren L 1972, c 9, pt of §1; am L 1973, c 17, §4; gen ch 1985]

" **§841-17 Hospital records.** The chief of police of the city and county of Honolulu or the chief's deputy, and the coroner or deputy coroner, and the coroner's physician may examine the records of any hospital relating to any patient of the hospital in connection with any investigation under this chapter. The hospital may require written proof signed by the coroner of the fact of the investigation and of the authority of the person desiring to examine the records. [L 1949, c 355, pt of §5; am L 1953, c 40, §1; RL 1955, §260-17; HRS §715-17; ren L 1972, c 9, pt of §1; gen ch 1985]

" **§841-18 Coroner's physician; laboratory facilities.** The medical examiner or any of the medical examiner's assistants in the city and county of Honolulu, and any experienced or qualified government physician designated by the coroner in the

counties of Hawaii, Maui, and Kauai, shall be the coroner's physician for such county or city and county. The facilities of the laboratories of the state department of health shall be made available to the coroner's physician. The term government physician as used in this chapter means a physician employed by the State or any of its political subdivisions. [L 1949, c 355, pt of §5; RL 1955, §260-18; am L 1962, c 8, §2; HRS §715-18; ren L 1972, c 9, pt of §1; gen ch 1985]

Attorney General Opinions

Before 1962 amendment, where a state physician was designated as coroner's physician, the state physician's expenses were county responsibility. Att. Gen. Op. 61-83.

" **§841-19 Notification of this chapter.** A copy of this chapter shall be transmitted to all physicians, undertakers, hospitals, and institutions established, licensed, or doing business in the State. [L 1949, c 355, pt of §5; RL 1955, §260-19; HRS §715-19; ren L 1972, c 9, pt of §1]