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# A BILL FOR AN ACT

RELATING TO CORONERS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that coroners should be  
2 separate from law enforcement and free to make independent  
3 judgments when investigating deaths. Under current state law,  
4 the chief of police for a county serves as the coroner if the  
5 county does not have a medical examiner. Making coroners  
6 independent from law enforcement will promote transparency,  
7 avoid conflicts of interest, and encourage more confidence in  
8 coroners' rulings.

9           Accordingly, the purpose of this Act is to:

- 10           (1) Require the mayor of each county to appoint, and the  
11           respective county or city council to confirm, a county  
12           medical examiner; and
- 13           (2) Provide that the medical examiner for each county  
14           shall serve as the county's coroner.

15           SECTION 2. Section 841-1, Hawaii Revised Statutes, is  
16 amended to read as follows:



1           "**§841-1** ~~[Who are coroners.]~~ Medical examiners and county  
2 coroners. (a) The mayor of each county shall appoint, and the  
3 respective county council or city council shall confirm, a  
4 medical examiner to perform medical investigation services  
5 establishing the cause of any unattended death in the respective  
6 county. The medical examiner shall be exempt from chapter 76.  
7           (b) Each medical examiner shall be licensed as a physician  
8 under chapter 453 and certified as an anatomic or forensic  
9 pathologist by the American Board of Pathology.  
10          (c) ~~The [chief of police or his authorized subordinate of~~  
11 ~~the counties of Hawaii, Maui, and Kauai, and the]~~ medical  
12 examiner of [the city and county of Honolulu,] each county  
13 shall, ex officio, be the coroner for [his] that respective  
14 county."

15           SECTION 3. Section 841-14, Hawaii Revised Statutes, is  
16 amended to read as follows:

17           "**§841-14 Autopsies and further investigations.** [†] (a) [†]  
18 If, in the opinion of the coroner, [~~or of the~~] coroner's  
19 physician, [~~or of the~~] prosecuting attorney, or [~~of the~~] chief  
20 of police [~~(in the city and county of Honolulu)~~], an autopsy of  
21 the remains of any human body appearing to have come to death



1 under any of the circumstances set forth in section 841-3 is  
2 necessary in the interest of the public safety or welfare, that  
3 person shall cause ~~[to have]~~ an autopsy to be performed ~~[, such~~  
4 ~~an autopsy]~~. If, in the opinion of the coroner's physician, a  
5 further or additional investigation as to the cause of death is  
6 necessary, the coroner's physician may conduct the same or have  
7 the same made, and the expenses thereof shall be paid by the  
8 county concerned, and for this purpose, the coroner's physician  
9 shall have the duties and powers conferred upon the coroner or  
10 deputy coroner by sections 841-4 to 841-8.

11       [+] (b) [+] Any law to the contrary notwithstanding, the  
12 coroner or coroner's physician ~~[or medical examiner]~~ of any  
13 county ~~[(including the city and county of Honolulu)]~~ may cause  
14 to have performed an autopsy to determine cause of death upon  
15 the remains of any human body which is brought into or found  
16 within the State and which appears to have ~~[come to death]~~ died  
17 under any of the circumstances set forth in section 841-3, even  
18 though ~~[such]~~ the circumstances may have occurred without the  
19 State. The coroner or coroner's physician ~~[or medical examiner]~~  
20 of any county ~~[(including the city and county of Honolulu)]~~  
21 shall have the right to retain tissues, including fetal



1 material, of the body removed at the time of autopsy to be used  
2 for necessary or advisable scientific investigation, including  
3 research, teaching, and therapeutic purposes."

4 SECTION 4. Section 841-17, Hawaii Revised Statutes, is  
5 amended to read as follows:

6 "**§841-17 Hospital records.** The chief of police [~~of the~~  
7 ~~city and county of Honolulu~~] or the chief's deputy, [~~and the~~  
8 coroner or deputy coroner, and [~~the~~] coroner's physician may  
9 examine the records of any hospital relating to any patient of  
10 the hospital in connection with any investigation under this  
11 chapter. The hospital may require written proof signed by the  
12 coroner of the fact of the investigation and of the authority of  
13 the person desiring to examine the records."

14 SECTION 5. Section 841-18, Hawaii Revised Statutes, is  
15 amended to read as follows:

16 "**§841-18 Coroner's physician; laboratory facilities.** [~~The~~  
17 ~~medical examiner or any of the medical examiner's assistants in~~  
18 ~~the city and county of Honolulu, and any~~] Any experienced or  
19 qualified government physician designated by the coroner in [~~the~~  
20 ~~counties of Hawaii, Maui, and Kauai,~~] each county shall be the  
21 coroner's physician for [~~such~~] that county or city and county.



1 The facilities of the laboratories of the state department of  
2 health shall be made available to the coroner's physician.  
3 ~~[The]~~ As used in this section, the term [government physician as  
4 ~~used in this chapter]~~ "government physician" means a physician  
5 employed by the State or any of its political subdivisions."

6 SECTION 6. Section 844D-102, Hawaii Revised Statutes, is  
7 amended by amending subsection (b) to read as follows:

8 "(b) Nothing in this chapter shall be construed to limit  
9 the authority of the ~~[medical examiner of the city and county of~~  
10 ~~Honolulu or]~~ county coroners or their agents, in the course of  
11 their scientific investigation, to use genetic and DNA  
12 technology to inquire into and determine the circumstances,  
13 manner, and cause of death, or to employ or use outside  
14 laboratories, hospitals, or research institutions that use  
15 genetic and DNA technology."

16 SECTION 7. Sections 6E-43.6, 321-342, 321-471, 321-502,  
17 324-1, 327-22, 327-23, 327-32, 560:3-1212, and 841-14.6 Hawaii  
18 Revised Statutes, are amended by substituting the word "coroner"  
19 wherever the phrase "medical examiner or coroner" or "coroner or  
20 medical examiner" appears, as the context requires.



# H.B. NO. 869

1 SECTION 8. Section 52D-4, Hawaii Revised Statutes, is  
2 repealed.

3 ["~~§52D-4~~—~~Ex officio coroner.~~ Where there is no other  
4 county medical examiner, the chief of police or any duly  
5 authorized subordinate shall be ex officio county coroner. An  
6 ex officio county coroner shall have all the powers and perform  
7 all the duties of coroner, within that county, as provided by  
8 law."]

9 SECTION 9. No later than \_\_\_\_\_ days after the effective  
10 date of this act, or no later than \_\_\_\_\_ days after a vacancy  
11 occurs in the county's medical examiner position, the mayor of  
12 each county shall appoint, and the respective county or city  
13 council shall confirm, a county medical examiner pursuant to  
14 section 841-1(a) and (b), Hawaii Revised Statutes.

15 SECTION 10. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

17 SECTION 11. This Act shall take effect upon its approval.

18

INTRODUCED BY: *Kanani Ison*

JAN 23 2023



# H.B. NO. 869

**Report Title:**

Medical Examiners; County Coroners

**Description:**

Requires the mayor of each county to appoint, and the county council or city council to confirm, a county medical examiner. Provides that the medical examiner for each county shall serve as the county's coroner. Makes conforming amendments.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

