

AMENDED IN ASSEMBLY APRIL 18, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2457**

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**Introduced by Assembly Member Bloom**

February 19, 2016

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An act to amend Section 27521 of the Government Code, relating to autopsy.

LEGISLATIVE COUNSEL'S DIGEST

AB 2457, as amended, Bloom. Autopsy: electronic image systems.

Existing law ~~requires a coroner to perform or cause to be performed an autopsy on a decedent, for which an autopsy has not already been performed, on request of specified relatives.~~ *makes it the duty of a coroner to inquire into and determine the circumstances, manner, and cause of deaths under prescribed conditions, including deaths under such circumstances as to afford a reasonable ground to suspect that the death was caused by the criminal act of another. Existing law provides for the execution of a certificate of religious belief stating that postmortem anatomical dissection or specified procedures would violate the religious convictions of the person, and, except as specified, prohibits a coroner from performing the procedure.* Existing law requires a postmortem examination or autopsy ~~that is conducted at the discretion of a coroner, medical examiner, or other agency~~ to include certain procedures, including, among others, taking available fingerprints and palm prints and a dental examination including dental charts and dental X-rays, as specified. Existing law authorizes the postmortem examination or autopsy of the unidentified body or remains to include full body X-rays.

~~This bill, except as specified, would authorize the use of an electronic image system, including, but not limited to, an X-ray computed tomography scanning system, to fulfill the requirements of a discretionary postmortem examination or autopsy or the requirements of a postmortem examination or autopsy required by other law. a coroner, medical examiner, or other agency required to perform an autopsy in a death under those prescribed conditions to use an electronic image system, including, but not limited to, an X-ray computed tomography scanning system, to fulfill specified postmortem examination or autopsy requirements. The bill would prohibit a coroner, medical examiner, or other agency performing an autopsy in a death under those prescribed conditions from using an electronic imaging system to conduct the autopsy in any investigation where the circumstances surrounding the death afford a reasonable basis to suspect that the death was caused by or related to the criminal act of another. The bill would require a dissection autopsy to be performed to determine the cause and manner of death if the results of an autopsy performed using electronic imaging provides the basis to suspect that the death was caused by or related to the criminal act of another. The bill would allow an autopsy to be conducted using an X-ray computed tomography scanning system without regard to the existence of a properly-executed certificate of religious belief.~~

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 27521 of the Government Code is  
2 amended to read:  
3 27521. (a) A postmortem examination or autopsy conducted  
4 at the discretion of a coroner, medical examiner, or other agency  
5 upon an unidentified body or human remains is subject to this  
6 section.  
7 (b) A postmortem examination or autopsy shall include, but  
8 shall not be limited to, the following procedures:  
9 (1) Taking of all available fingerprints and palm prints.  
10 (2) A dental examination consisting of dental charts and dental  
11 X-rays of the deceased person's teeth, which may be conducted  
12 on the body or human remains by a qualified dentist as determined  
13 by the coroner.

1 (3) The collection of tissue, including a hair sample, or body  
2 fluid samples for future DNA testing, if necessary.

3 (4) Frontal and lateral facial photographs with the scale  
4 indicated.

5 (5) Notation and photographs, with a scale, of significant scars,  
6 marks, tattoos, clothing items, or other personal effects found with  
7 or near the body.

8 (6) Notations of observations pertinent to the estimation of the  
9 time of death.

10 (7) Precise documentation of the location of the remains.

11 (c) The postmortem examination or autopsy of the unidentified  
12 body or remains may include full body X-rays.

13 ~~(d) An electronic image system, including, but not limited to,  
14 an X-ray computed tomography scanning system, may be used to  
15 fulfill the requirements of subdivision (b) or of a postmortem  
16 examination or autopsy required by other law, including, but not  
17 limited to, Section 27520.~~

18 *(d) At the sole and exclusive discretion of the coroner, medical  
19 examiner, or other agency tasked with performing an autopsy  
20 pursuant to section 27491, an electronic image system, including,  
21 but not limited to, an X-ray computed tomography scanning system,  
22 may be used to fulfill the requirements of subdivision (b) or of a  
23 postmortem examination or autopsy required by other law,  
24 including but not limited to, section 27520.*

25 *(1) Nothing herein imposes a duty upon any coroner, medical  
26 examiner, or other agency tasked with performing autopsies  
27 pursuant to section 27491 to actually perform autopsies using an  
28 electronic image system or to acquire the capability to do so.*

29 *(2) Under no circumstances may a coroner, medical examiner,  
30 or other agency tasked with performing an autopsy pursuant to  
31 section 27491 utilize an electronic imaging system to conduct an  
32 autopsy in any investigation where the circumstances surrounding  
33 the death afford a reasonable basis to suspect that the death was  
34 caused by or related to the criminal act of another. If the results  
35 of an autopsy performed using electronic imaging provides the  
36 basis to suspect that the death was caused by or related to the  
37 criminal act of another, then a dissection autopsy shall be  
38 performed in order to determine the cause and manner of death.*

39 *(3) An autopsy may be conducted using X-ray computed  
40 tomography scanning system notwithstanding the existence of a*

1 *properly executed certificate of religious belief made pursuant to*  
2 *section 27491.43.*

3 (e) The coroner, medical examiner, or other agency performing  
4 a postmortem examination or autopsy shall prepare a final report  
5 of investigation in a format established by the Department of  
6 Justice. The final report shall list or describe the information  
7 collected pursuant to the postmortem examination or autopsy  
8 conducted under subdivision (b).

9 (f) The body of an unidentified deceased person shall not be  
10 cremated or buried until the jaws (maxilla and mandible with teeth),  
11 or other bone sample if the jaws are not available, and other tissue  
12 samples are retained for future possible use. Unless the coroner,  
13 medical examiner, or other agency performing a postmortem  
14 examination or autopsy has determined that the body of the  
15 unidentified deceased person has suffered significant deterioration  
16 or decomposition, the jaws shall not be removed until immediately  
17 before the body is cremated or buried. The coroner, medical  
18 examiner, or other agency responsible for a postmortem  
19 examination or autopsy shall retain the jaws and other tissue  
20 samples for one year after a positive identification is made, and  
21 no civil or criminal challenges are pending, or indefinitely.

22 (g) If the coroner, medical examiner, or other agency performing  
23 a postmortem examination or autopsy with the aid of the dental  
24 examination and any other identifying findings is unable to  
25 establish the identity of the body or human remains, the coroner,  
26 medical examiner, or other agency shall submit dental charts and  
27 dental X-rays of the unidentified deceased person to the Department  
28 of Justice on forms supplied by the Department of Justice within  
29 45 days of the date the body or human remains were discovered.

30 (h) If the coroner, medical examiner, or other agency performing  
31 a postmortem examination or autopsy with the aid of the dental  
32 examination and other identifying findings is unable to establish  
33 the identity of the body or human remains, the coroner, medical  
34 examiner, or other agency shall submit the final report of  
35 investigation to the Department of Justice within 180 days of the  
36 date the body or human remains were discovered. The final report  
37 of investigation shall list or describe the information collected  
38 pursuant to the postmortem examination or autopsy conducted

- 1 under subdivision (b), and any anthropology report, fingerprints,
- 2 photographs, and autopsy report.

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