

AN ACT

ENTITLED, An Act to authorize sheriffs to order autopsies.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 23-14-9.1 be amended to read as follows:

23-14-9.1. If a state's attorney or a sheriff or a coroner has reason to believe that a deceased person may have died in his or her jurisdiction by unlawful means, the state's attorney, sheriff, or coroner may order and direct a physician or surgeon to perform an autopsy. If in the public interest, the county coroner may order an autopsy on those deaths falling within the county coroner's jurisdiction mentioned in subdivisions 23-14-18(1) to (5), inclusive.

Section 2. That § 34-26-2 be amended to read as follows:

34-26-2. An autopsy may be performed upon the body of a deceased person by a physician or surgeon whenever so authorized in writing, or by electronically recorded telephone communication:

- (1) By the decedent during the decedent's lifetime; or
- (2) By the decedent's surviving spouse; or
- (3) If the surviving spouse is incompetent or not available or if there be no surviving spouse, by an adult child, parent, brother, or sister of the decedent. However, such autopsy may not be performed under a consent given as required by this subdivision if, before such autopsy is performed, any adult child or parent of the decedent objects in writing to the physician or surgeon by whom the autopsy is to be performed;
- (4) By the state's attorney, county sheriff, or investigating county coroner pursuant to § 23-14-9.1.

Section 3. That § 34-26-5 be amended to read as follows:

34-26-5. The right to dissect the dead body of a human being exists if the death occurs under circumstances in which a coroner is authorized by law to hold an inquest upon the body or under the

provisions of § 23-14-9.1, and a coroner, sheriff, or the state's attorney designated by law to order an autopsy authorizes such dissection for the purposes of the inquest.

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I certify that the attached Act
originated in the

SENATE as Bill No. 131

Secretary of the Senate
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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 131

File No. _____

Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor
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The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor
=====

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State