

State of Arkansas
Laws and Statutes

Mentioning or referring to the

“Coroner”

January, 2014

Provided by the Arkansas Coroner’s Association

§ 7. Officers ineligible.

No judge of the Supreme, Circuit or inferior courts of law or equity, Secretary of State, Attorney General for the State, Auditor or Treasurer, Recorder, clerk of any court of record, Sheriff, **Coroner**, member of Congress, nor any other person holding any lucrative office under the United States or this State (militia officers, justices of the peace, postmasters, officers of public schools and notaries excepted), shall be eligible to a seat in either house of the General Assembly.

5-66-102. Duty of officer.

When it comes to the knowledge of any sheriff, **coroner**, or constable, or any of their deputies, that any person is guilty of any offense created or prohibited by this section and §§ 5-66-101, 5-66-104 -- 5-66-107, and 5-66-109, it is their duty to give notice of the offense to any judge or justice of the peace for the county who shall:

- (1) Issue his or her warrant and cause the offender to be brought before him or her;
- (2) Examine the matter in a summary manner; and
- (3) Discharge, bail, or commit the offender, as the circumstances and the right of the case may require.

HISTORY: Rev. Stat., ch. 44, div. 6, art. 3, § 9; C. & M. Dig., § 2642; Pope's Dig., § 3332; A.S.A. 1947, § 41-3264.

5-28-110. Penalties for violation of § 12-12-1701 et seq.

(a) Any person or caregiver required by the Adult and Long-Term Care Facility Resident Maltreatment Act, § 12-12-1701 et seq., to report a case of suspected adult maltreatment or long-term care facility resident maltreatment who purposely fails to do so is:

- (1) Guilty of a Class B misdemeanor; and
- (2) Civilly liable for damages proximately caused by the failure.

(b) Any person, official, or institution willfully making a false notification by the Adult and Long-Term Care Facility Resident Maltreatment Act, § 12-12-1701 et seq., knowing the allegation to be false, is guilty of a:

- (1) Class A misdemeanor; or
- (2) Class D felony if the person, official, or institution has been previously convicted of making a false allegation.

(c) Any person who willfully permits and any other person who encourages the release of data or information contained in the adult and long-term care facility maltreatment central registry to a person to whom disclosure is not permitted under this section, § 5-28-201 [repealed], or §§ 5-28-203 -- 5-28-221 [repealed] is guilty of a Class A misdemeanor.

(d) Any person required to report a death as the result of suspected adult maltreatment or long-term care facility resident maltreatment who knowingly fails to make a report immediately to the appropriate **coroner** is guilty of a Class C misdemeanor.

(e) Any person required to report suspected adult maltreatment or long-term care facility resident maltreatment who knowingly fails to make a report within twenty-four (24) hours or on the next business day, whichever is earlier, is guilty of a Class C misdemeanor.

HISTORY: Acts 1983, No. 452, § 13; A.S.A. 1947, § 59-1313; Acts 1993, No. 1292, § 5; 1995, No. 1338, § 2; 2003, No. 1046, § 13; 2005, No. 1810, § 8; 2005, No. 1994, § 298.

5-66-108. Gaming devices -- Search warrants.

(a) It is made and declared to be the duty and required of the judges of the circuit courts, the presiding judges of the county courts, and also of the justices of the peace, on information given or on their own knowledge, or when they have reasonable ground to suspect, that they issue their warrant to the sheriff, **coroner**, or constable as the case may be most convenient, directing in the warrant a search for gaming tables, or devices mentioned or referred to in § 5-66-104, and, directing that on finding any, the devices shall be publicly burned by the officer executing the warrant.

(b) The officer executing a warrant, and burning, by virtue of the warrant, any gaming device, as required in subsection (a) of this section, on making his return to the judge or justice who issued the warrant, and getting the statement of the judge or justice that the warrant had been returned to the judge or justice duly executed by the burning of the gaming device, stating or describing the gaming device burnt, endorsed on the warrant, the officer is entitled to his or her fees for the service, to be paid by the person keeping the gambling table.

HISTORY: Rev. Stat., ch. 44, div. 6, art. 3, §§ 6, 7; C. & M. Dig., §§ 2637, 2638; Pope's Dig., §§ 3327, 3328; A.S.A. 1947, §§ 41-3259, 41-3260.

5-77-201. Blue light or blue lens cap sales.

(a) (1) It is unlawful to sell or transfer a blue light or blue lens cap to any person other than a law enforcement officer or a county **coroner**.

(2) It is unlawful for a person other than a law enforcement officer or a county coroner to buy a blue light or blue lens cap.

(b) Before selling a blue light or blue lens cap, the seller shall require the buyer to provide identification that legally demonstrates that the buyer is a law enforcement officer or a county **coroner**.

(c) Any sale of a blue light or blue lens cap shall be reported to the Department of Arkansas State Police on a form prescribed by the department.

(d) Upon conviction, a person who violates this section is guilty of a Class D felony.

(e) As used in this section:

(1) "Blue lens cap" means a lens cap designed to produce a blue color of light when light from a device designed for an emergency vehicle passes through the lens cap; and

(2) "Blue light" means any operable device that:

(A) Emits a blue color of light;

(B) Is designed for use by an emergency vehicle or is similar in appearance to a device designed for use by an emergency vehicle; and

(C) Can be operated by use of the vehicle's battery, the vehicle's electrical system, or a dry cell battery.

HISTORY: Acts 1997, No. 1281, § 1; 2007, No. 827, § 110.

5-77-203. Regulations.

The Department of the Arkansas State Police shall promulgate regulations to implement this subchapter, including regulations that define the type of identification necessary to legally demonstrate that a person is a law enforcement officer or a county **coroner**.

6-64-204. Charges brought against board or committee members, employees, etc. -- Procedure.

(a) The Board of Trustees of the University of Arkansas is fully empowered and authorized, either as a board or through any committee it may select or appoint, to inquire into and fully investigate any and all charges that have been or may be preferred against any trustee of the board or any member of any committee appointed by or under the direction of the board or any contractor, architect, builder, employee, agent, or other person acting by agreement with, or authority of, or under the board or any of the committees of the board, in any capacity whatever.

(b) For the purposes of such investigations or inquiry, the board or any committee that may be appointed by it shall and may hold meetings in the state, at such time and place as may be designated by the board, or by a committee so appointed.

(c) (1) The chair of the executive committee of the board shall have full and ample power to issue all necessary process for summoning and compelling the attendance of witnesses before the board or committee and may impose upon all witnesses who refuse to obey such process, or to testify fully and explicitly before such board or committee, in reference to any and all such matters as may be the subject of inquiry, all the pains or penalties that might or could be imposed upon the witnesses by the circuit court, in any case, if a witness were to fail and refuse to appear and testify before the proper circuit court of his or her county in a cause or matter legally pending therein after being summoned to so appear and testify therein.

(2) (A) The process issued by the chair of the executive committee may be directed to any sheriff, **coroner**, or constable in this state.

(B) If the officer fails, neglects, or refuses to execute the process, he or she shall be subject to all the forfeitures, pains, and penalties which might or could be imposed upon him or her for failing, neglecting, or refusing to serve necessary or proper process from a circuit court in his or her own county. The fine, imprisonment, and penalties as can be so assessed shall be enforced and carried out upon the order of the chair of the executive committee.

(3) The chair shall be required to have no commission to so act, except as a member of the board, and a certificate of his or her election or appointment to such place by the board of trustees or the president of such board.

HISTORY: Acts 1873, No. 33, § 2, p. 65; C. & M. Dig., § 9534; Pope's Dig., § 13157; A.S.A. 1947, § 80-2808.

11-7-317. Reports of accidents.

(a) Whenever loss of life or serious personal injury shall occur by reason of any explosion or of any accident whatever in or about any mine, it shall be the duty of the person having charge of the mine to report the facts thereof without delay to the State Mine Inspector and, if any person is killed thereby, to notify the **coroner** or some justice of the peace of the county.

(b) (1) It shall be the duty of the mine inspector to investigate and ascertain the cause of the explosion and file a report thereof with the other records of his or her office.

(2) To enable him or her to make the investigations, he or she shall have power to compel attendance of witnesses, take depositions, and administer oaths, and the cost of the examination shall be paid by the county as costs of **coroners'** inquests are now paid.

(c) Failure of the person in charge of the mine where the accident occurred to give the mine inspector notice thereof shall be a misdemeanor.

HISTORY: Acts 1893, No. 125, § 9, p. 213; C. & M. Dig., § 7268; Pope's Dig., § 9324; A.S.A. 1947, § 52-617.

12-11-103. Unlawful assembly of three or more persons.

(a) When three (3) or more persons shall be riotously, unlawfully, or tumultuously assembled, it shall be the duty of any judge, justice of the peace, county sheriff, county **coroner**, or constable who shall have knowledge or be informed thereof to make a proclamation among the persons so assembled, or as near them as he or she can safely come, charging and commanding them immediately to disperse themselves and peaceably to depart to their habitations or lawful business.

(b) If upon the proclamation being made, the persons so assembled shall not immediately disperse and depart as commanded or if they shall resist the officer or prevent the making of the proclamation, then the officer shall command those present, and the power of the county if necessary, and shall disperse the unlawful assembly, arrest the offenders, and take them before some judicial officer, to be dealt with according to law.

HISTORY: Rev. Stat., ch. 44, div. 8, art. 1, §§ 2, 3; C. & M. Dig., §§ 3324, 3325; Pope's Dig., §§ 4172, 4173; A.S.A. 1947, §§ 42-211, 42-212.

12-12-312. Records confidential and privileged -- Exception -- Release.

(a) (1) (A) (i) The records, files, and information kept, obtained, or retained by the State Crime Laboratory under this subchapter are privileged and confidential.

(ii) The records, files, and information shall be released only under and by the direction of a court of competent jurisdiction, the prosecuting attorney having criminal jurisdiction over the case, or the public defender appointed or assigned to the case.

(B) (i) This section does not diminish the right of a defendant or his or her attorney to full access to all records pertaining to the case.

(ii) The laboratory shall disclose to a defendant or his or her attorney all evidence in the defendant's case that is kept, obtained, or retained by the laboratory.

(iii) The Department of Health may access autopsy records, files, and information under this subchapter for the purpose of implementing the quality improvement provisions of the Trauma System Act, § 20-13-801 et seq., and the rules adopted by the State Board of Health under the Trauma System Act, § 20-13-801 et seq.

(2) However, a full report of the facts developed by the State Medical Examiner or his or her assistants shall be promptly filed with the law enforcement agencies, county **coroner**, and prosecuting attorney of the jurisdiction in which the death occurred.

(b) The State Crime Laboratory Board shall promulgate rules and regulations not contrary to law regarding the release of reports and information by the staff of the laboratory.

(c) All records, files, and information obtained or developed by the laboratory pertaining to a capital offense committed by a defendant who is subsequently sentenced to death for the commission of that offense shall be preserved and retained until the defendant's execution.

HISTORY: Acts 1969, No. 321, § 11; 1979, No. 864, § 16; A.S.A. 1947, §§ 42-621, 42-1218; Acts 1993, No. 1304, § 1; 1999, No. 519, § 1; 2001, No. 211, § 1; 2001, No. 917, § 1; 2011, No. 892, § 1.

12-12-315. Notification of certain deaths.

(a) (1) The county **coroner**, prosecuting attorney, and either the county sheriff or the chief of police of the municipality in which the death of a human being occurs shall be promptly notified by any physician, law enforcement officer, undertaker or embalmer, jailer, or **coroner** or by any other person present or with knowledge of the death if:

(A) The death appears to be caused by violence or appears to be the result of a homicide or a suicide or to be accidental;

(B) The death appears to be the result of the presence of drugs or poisons in the body;

(C) The death appears to be a result of a motor vehicle accident, or the body was found in or near a roadway or railroad;

(D) The death appears to be a result of a motor vehicle accident and there is no obvious trauma to the body;

(E) The death occurs while the person is in a state mental institution or hospital and there is no previous medical history to explain the death, or while the person is in police custody or jail other than a jail operated by the Department of Correction;

(F) The death appears to be the result of a fire or an explosion;

(G) The death of a minor child appears to indicate child abuse prior to death;

(H) Human skeletal remains are recovered or an unidentified deceased person is discovered;

(I) Postmortem decomposition exists to the extent that an external examination of the corpse cannot rule out injury, or in which the circumstances of death cannot rule out the commission of a crime;

(J) The death appears to be the result of drowning;

(K) The death is of an infant or a minor child under eighteen (18) years of age;

(L) The manner of death appears to be other than natural;

(M) The death is sudden and unexplained;

(N) The death occurs at a work site;

(O) The death is due to a criminal abortion;

(P) The death is of a person where a physician was not in attendance within thirty-six (36) hours preceding death, or, in prediagnosed terminal or bedfast cases, within thirty (30) days;

(Q) A person is admitted to a hospital emergency room unconscious and is unresponsive, with cardiopulmonary resuscitative measures being performed, and dies within twenty-four (24) hours of admission without regaining consciousness or responsiveness, unless a physician was in attendance within thirty-six (36) hours preceding presentation to the hospital, or, in cases in which the decedent had a prediagnosed terminal or bedfast condition, unless a physician was in attendance within thirty (30) days preceding presentation to the hospital;

(R) The death occurs in the home; or

(S) (i) The death poses a potential threat to public health or safety.

(ii) Upon receiving notice of a death that poses a potential threat to public health or safety, the county **coroner** shall immediately notify the Department of Health.

(2) Nothing in this section shall be construed to require an investigation, autopsy, or inquest in any case in which death occurred without medical attendance solely because the deceased was under treatment by prayer or spiritual means in accordance with the tenets and practices of a well-recognized church or religious denomination.

(b) With regard to any death in a correctional facility, the county **coroner** and the State Medical Examiner shall be notified, and when previous medical history does not exist to explain the death, the Department of Arkansas State Police shall be notified.

(c) A violation of the provisions of this section is a Class A misdemeanor.

HISTORY: Acts 1969, No. 321, § 5; 1973, No. 509, § 1; 1979, No. 864, § 10; 1985, No. 216, § 1; A.S.A. 1947, §§ 42-615, 42-1212; Acts 1993, No. 1302, § 1; 1995, No. 311, § 2; 2001, No. 80, § 2; 2007, No. 194, § 1; 2007, No. 594, § 1; 2009, No. 165, § 3; 2009, No. 1286, § 1.

12-12-317. Death certificates.

(a) The certificate of death of any person whose death is investigated under the provisions of this subchapter shall be made by the State Medical Examiner or by his or her designee or by the county **coroner**, whoever shall have conducted the investigation.

(b) However, where a postmortem examination has been performed, the certificate of death shall be made and signed by the examiner or his or her associates or assistants, whoever shall have performed the postmortem examination.

(c) When a petition is filed with a court of competent jurisdiction to change the cause or manner of death listed on a death certificate which has been signed by the examiner or by his or her designee, the laboratory shall be notified of such petition, and the examiner or his or her designee shall be allowed to hear testimony presented by the petitioner and shall be given an opportunity to present evidence to the court to support the original ruling of the examiner or his or her assistant who signed the certificate.

HISTORY: Acts 1979, No. 864, § 17; A.S.A. 1947, § 42-1219; Acts 1993, No. 177, § 1; 1995, No. 201, § 1.

12-12-318. Examinations, investigations, and postmortem examinations – Authorization and restrictions.

(a) (1) When death occurs in such a manner or under such circumstances as described in § 12-12-315, the State Crime Laboratory shall have the power and authority to perform such functions and duties as may be provided by this subchapter.

(2) (A) The laboratory shall make examinations, investigations, or perform postmortem examinations to determine the cause of death as the Executive Director of the State Crime Laboratory or his or her staff deems necessary or as may be requested by the:

(i) County **coroner** of the county in which death occurs or is discovered;

(ii) Prosecuting attorney of the jurisdiction in which death occurs or is discovered;

(iii) Prosecuting attorney of the jurisdiction in which death occurs or is discovered;

(iv) Chief of police of the city in which death occurs or is discovered;

(v) Board of Corrections or its designee, or the Director of the Department of Correction or his or her designee if the person was in the care, custody, or control of the Department of Correction at the time of death; or

(vi) Director of the Department of Arkansas State Police or his or her designee.

(B) Deputies of elected officers enumerated in subdivision (a)(2)(A) of this section shall have no authority to request a postmortem examination by the laboratory.

(b) (1) In cases of sudden death in children between the ages of one (1) year and six (6) years with no previous major medical health problems, the State Medical Examiner, on a case-by-case basis, may delegate authority to the Arkansas Children's Hospital to perform postmortem examinations to determine the cause of death.

(2) (A) Should any such postmortem examination determine that death occurred from foul play or a criminal act, the hospital will immediately notify the chief law enforcement officer of the jurisdiction in which the death occurred and the examiner.

(B) In addition, the examiner will be responsible for developing guidelines to assure that proper evidentiary procedures are followed.

(3) For purposes of this section, the hospital's staff pediatric pathologist, meeting the criteria prescribed in § 12-12-307, shall be considered assistant medical examiner and, notwithstanding any other provisions in this section, may perform postmortem examinations as directed by a duly constituted authority.

(c) Postmortem examinations or investigations authorized in this section may be conducted without consent of any person.

(d) The executive director and his or her staff shall not, as a part of their official duties, perform

any postmortem examination at the request of any private citizen or any public official other than those enumerated in this section.

(e) The provisions of this section shall supersede any and all other laws relating to the power and authority of the executive director or his or her staff, including the examiner, to conduct examinations, investigations, or postmortem examinations.

(f) (1) The executive director shall have the final authority on any ruling of manner of death which may become a matter of dispute between those persons authorized by this section to request a post mortem examination as described in § 12-12-315 and the examiner or his or her associates.

(2) The executive director shall use any and all material accumulated by the laboratory, interview all parties necessary, and consult with any medical authority necessary for him or her to make his or her decision as to the manner of death, and his or her ruling shall be final and binding as that ruling affects any documents generated and signed by any employee of the laboratory relating to manner of death.

(3) This subsection and the executive director's decision in no way affects or prohibits any person or agency to seek any other relief that may be available through legal channels.

HISTORY: Acts 1969, No. 321, § 6; 1973, No. 509, § 2; 1975, No. 736, § 1; 1979, No. 864, § 11; 1981, No. 65, § 1; 1985, No. 644, § 3; A.S.A. 1947, §§ 42-616, 42-1213; Acts 1993, No. 178, § 1; 1995, No. 1151, § 5; 1997, No. 422, § 1.

12-12-326. Autopsies – Line-of-duty death.

(a) As used in this section:

(1) "Eligible person" means a person with an eligibility similar to a firefighter or police officer under the Public Safety Officers' Benefits Act of 1976 or the Hometown Heroes Survivors Benefits Act of 2003, 42 U.S.C. § 3796 et seq., as appropriate;

(2) "Firefighter" means any member of a fire department or fire fighting unit of the Arkansas Forestry Commission, any city of the first class or city of the second class, any town, or any unincorporated rural area of this state, who actively engages in the fighting of fires on either a regular or voluntary basis; and

(3) "Police officer" means any law enforcement officer engaged in official duty who is:

(A) A member of:

(i) Any regular or auxiliary police force on a full-time or part-time basis; or

(ii) The Department of Arkansas State Police; or

(B) A sheriff or deputy sheriff of any county.

(b) A **coroner** or a supervisor of a firefighter, police officer, or eligible person shall promptly notify the State Medical Examiner if the firefighter, police officer, or eligible person dies in the line of duty as a result of injuries sustained in the line of duty or within twenty-four (24) hours after participating in an emergency situation.

(c) (1) (A) The examiner may conduct an autopsy on any firefighter, police officer, or eligible person who dies in the line of duty as a result of injuries sustained in the line of duty or within twenty-four (24) hours after participating in an emergency situation.

(B) The autopsy shall be sufficient to determine eligibility for benefits under the federal Public Safety Officers' Benefits Act of 1976 or the Hometown Heroes Survivors Benefits Act of 2003, 42 U.S.C. § 3796 et seq., as appropriate.

(C) A report of the autopsy shall be provided to the firefighter's or police officer's commanding officer or the supervisor of the eligible person.

(2) (A) If the firefighter, police officer, or eligible person has agreed in writing to allow an autopsy under this section, that directive shall be followed unless the firefighter's, police officer's, or eligible person's spouse dictates otherwise after being notified of the prospective autopsy.

(B) If the firefighter, police officer, or eligible person has not agreed in writing to allow an autopsy under this section, the firefighter's, police officer's, or eligible person's spouse may decide whether or not an autopsy will be performed.

(C) If the firefighter's, police officer's, or eligible person's spouse chooses not to allow the autopsy:

(i) No autopsy may be performed; and

(ii) The body of the firefighter, police officer, or eligible person shall be released to the next of kin.

(3) (A) If the examiner does not perform an autopsy under this section, he or she shall provide to the firefighter's or police officer's commanding officer or the supervisor of the eligible person written notice stating the reason why an autopsy was not performed.

(B) The written notice under subdivision (c)(3)(A) of this section shall include a toxicology report.

HISTORY: Acts 2007, No. 69, § 1; 2009, No. 165, § 4.

12-12-1708. Persons required to report adult or long-term care facility resident maltreatment.

(a) (1) Whenever any of the following persons has observed or has reasonable cause to suspect that an endangered person or an impaired person has been subjected to conditions or circumstances that constitute adult maltreatment or long-term care facility resident maltreatment, the person shall immediately report or cause a report to be made in accordance with the provisions of this section:

(A) A physician;

(B) A surgeon;

(C) A **coroner**;

(D) A dentist;

(E) A dental hygienist;

(F) An osteopath;

(G) A resident intern;

(H) A nurse;

(I) A member of a hospital's personnel who is engaged in the administration, examination, care, or treatment of persons;

(J) A social worker;

(K) A case manager;

(L) A home health worker;

(M) A mental health professional;

(N) A peace officer;

(O) A law enforcement officer;

(P) A facility administrator or owner;

(Q) An employee in a facility;

(R) An employee of the Department of Human Services;

(S) A firefighter;

(T) An emergency medical technician;

(U) An employee of a bank or other financial institution;

(V) An employee of the United States Postal Service;

(W) An employee or a volunteer of a program or an organization funded partially or wholly by the department who enters the home of or has contact with an elderly person;

(X) A person associated with the care and treatment of animals, such as animal control officers and humane society officials;

(Y) An employee who enforces code requirements for a city, township, or municipality; or

(Z) Any clergy member, including without limitation, a minister, a priest, a rabbi, an accredited Christian Science practitioner, or any other similar functionary of a religious organization, or an individual reasonably believed to be a minister, a priest, a rabbi, an accredited Christian Science practitioner, or any other similar functionary of a religious organization by the person consulting him or her, except to the extent he or she:

(i) Has acquired knowledge of suspected maltreatment through communications required to be kept confidential pursuant to the religious discipline of the relevant denomination or faith; or

(ii) Received the knowledge of the suspected maltreatment from the offender in the context of a statement of admission.

(2) Whenever a person is required to report under this subchapter in his or her capacity as a member of the staff, an employee in or owner of a facility, or an employee of the department, he or she shall immediately notify the person in charge of the institution, facility, or agency, or that person's designated agent, who shall then become responsible for making a report or cause a report to be made within twenty-four (24) hours or on the next business day, whichever is earlier.

(3) In addition to those persons and officials required to report suspected maltreatment, any other person may make a report if the person has observed an adult or long-term care facility resident being maltreated or has reasonable cause to suspect that an adult or long-term care facility resident has been maltreated.

(b) (1) A report for a long-term care facility resident shall be made:

(A) Immediately to the local law enforcement agency for the jurisdiction in which the long-term care facility is located; and

(B) To the Office of Long-Term Care, under regulations of that office.

(2) A report of a maltreated adult who does not reside in a long-term care facility shall be made to the adult and long-term care facility maltreatment hotline provided in § 12-12-1707.

(c) No privilege or contract shall relieve any person required by this subchapter to make a notification or report from the requirement of making the notification or report.

HISTORY: Acts 2005, No. 1812, § 1; 2007, No. 497, § 5.

12-12-1709. Report of death caused by maltreatment.

(a) (1) Any person or official who is required to report a case of suspected adult maltreatment or long-term care facility resident maltreatment under this subchapter and who has reasonable cause to suspect that an adult or long-term care facility resident has died as a result of maltreatment shall report the suspected death from maltreatment to the appropriate medical examiner or **coroner**.

(2) (A) In all cases of the death of a long-term care facility resident or a hospice facility resident, the long-term care facility or the hospice facility shall immediately report the death to the appropriate **coroner**.

(B) The report is required regardless of whether the long-term care facility or the hospice facility believes the death to be from natural causes or the result of maltreatment or any other cause.

(3) (A) In all cases of the death in a hospital of a person who was a long-term care facility resident within five (5) days before entering the hospital, the hospital shall immediately report the death to the appropriate **coroner**.

(B) The report is required regardless of whether the hospital believes the death to be from natural causes, the result of maltreatment, or any other cause.

(b) (1) The medical examiner or **coroner** shall accept the report for investigation and upon finding reasonable cause to suspect that a person has died as a result of maltreatment shall report the findings to a law enforcement agency and the appropriate prosecuting attorney.

(2) If the institution making the report is a hospital or long-term care facility, the medical examiner or **coroner** shall report the findings to the hospital or long-term care facility unless the findings are part of a pending or ongoing law enforcement investigation.

(c) If it receives findings under subdivision (b)(2) of this section, the medical examiner, **coroner**, or hospital shall also report findings under subsection (b) of this section to the Department of Human Services if:

(1) Reasonable cause exists to believe the death resulted from maltreatment; or

(2) Upon request of the department and there is a pending investigation concerning allegations of maltreatment occurring before death.

HISTORY: Acts 2005, No. 1812, § 1.

12-12-1717. Availability of founded reports of adult or long-term care facility resident maltreatment.

(a) A report made under this subchapter that is determined to be founded, as well as any other information obtained, including protected health information, and a report written or photograph taken concerning a founded report in the possession of the Department of Human Services shall be confidential and shall be made available only to:

(1) A physician who has before him or her an endangered person or an impaired person the physician reasonably believes may have been maltreated;

(2) A person authorized to place the adult in protective custody if the person:

(A) Has before him or her an adult the person reasonably believes may have been maltreated;
and

(B) Requires the information to determine whether to place the adult in protective custody;

(3) An authorized agency having responsibility for the care or supervision of an endangered person or an impaired person;

(4) Any person who is the subject of a report or that person's legal guardian;

(5) A grand jury or court, if the grand jury or court determines that the information is necessary for the determination of an issue before the grand jury or court;

(6) A prosecuting attorney, law enforcement official, **coroner**, or the Attorney General or his or her designated investigator;

(7) (A) A mandated reporter who has made a report of suspected maltreatment.

(B) However, a mandated reporter shall receive the information only to the extent that he or she may be informed after completion and closure of the investigation whether:

(i) Legal action was taken;

(ii) Services were provided; or

(iii) No action was taken.

(C) No further information shall be released to a mandated reporter, and the mandated reporter shall be informed of the confidentiality of the information and the penalties for

disclosure;

(8) (A) An employer or volunteer agency for the purpose of screening an employee, applicant, or volunteer upon submission of a signed, notarized release from the employee, applicant, or volunteer.

(B) The only information released to the employer or volunteer agency shall be whether or not the Adult and Long-term Care Facility Resident Maltreatment Central Registry contains any founded reports naming the employee, applicant, or volunteer as an offender;

(9) The Death Review Committee of the Department of Human Services;

(10) The current administrator of the long-term care facility, if the incident occurred in a long-term care facility;

(11) The administrator of the long-term care facility that currently employs the offender, if different from the long-term care facility in which the incident occurred;

(12) A person or provider identified by the department as having services needed by the maltreated person;

(13) Any applicable licensing or registering authority;

(14) Any employer, legal entity, or board responsible for the person named as the offender;

(15) Any legal entity or board responsible for the maltreated person;

(16) The Division of Developmental Disabilities Services and the Division of Aging and Adult Services as to participants of the waiver program; and

(17) A state or federal agency pursuing an official criminal records check.

(b) (1) Under no circumstances may the information contained in the registry be released to a person unless the person's capacity is confirmed by the department.

(2) Except for the subject of the report, no person or agency to whom disclosure is made may disclose to any other person a report or other information obtained under this section.

(c) (1) The department may not release data that would identify the person who made a report except to law enforcement, a prosecuting attorney, or the office of the Attorney General.

(2) A court of competent jurisdiction may order release of data that would identify the person who made a report after the court has reviewed in camera the record related to the report and

has found that disclosure is needed:

(A) To prevent execution of a crime; or

(B) For prosecution of a crime.

(d) However, information contained in the registry may be made available to bona fide and approved research groups solely for the purpose of scientific research, but in no event shall the name of a person be released, nor shall specific circumstances or facts related to a specific person be used in any research report that might be identifiable with the person.

(e) A person who knowingly permits or encourages the release of data or information contained in the registry to a person not permitted by this subchapter to receive the data or information upon conviction is guilty of a Class A misdemeanor.

HISTORY: Acts 2005, No. 1812, § 1; 2007, No. 283, § 9; 2009, No. 165, § 11; 2011, No. 206, § 8.

2-18-402. Mandated reporters.

(a) An individual listed as a mandated reporter under subsection (b) of this section shall immediately notify the Child Abuse Hotline if he or she:

(1) Has reasonable cause to suspect that a child has:

(A) Been subjected to child maltreatment; or

(B) Died as a result of child maltreatment; or

(2) Observes a child being subjected to conditions or circumstances that would reasonably result in child maltreatment.

(b) The following individuals are mandated reporters under this chapter:

(1) A child care worker or foster care worker;

(2) A **coroner**;

(3) A day care center worker;

(4) A dentist;

(5) A dental hygienist;

(6) A domestic abuse advocate;

(7) A domestic violence shelter employee;

(8) A domestic violence shelter volunteer;

(9) An employee of the Department of Human Services;

(10) An employee working under contract for the Division of Youth Services of the Department of Human Services;

(11) A foster parent;

(12) A judge;

(13) A law enforcement official;

(14) A licensed nurse;

(15) Medical personnel who may be engaged in the admission, examination, care, or treatment of persons;

(16) A mental health professional;

(17) An osteopath;

(18) A peace officer;

(19) A physician;

(20) A prosecuting attorney;

(21) A resident intern;

(22) A school counselor;

(23) A school official;

(24) A social worker;

(25) A surgeon;

(26) A teacher;

(27) A court-appointed special advocate program staff member or volunteer;

(28) A juvenile intake or probation officer;

(29) A clergy member, which includes a minister, priest, rabbi, accredited Christian Science practitioner, or other similar functionary of a religious organization, or an individual reasonably believed to be so by the person consulting him or her, except to the extent the clergy member:

(A) Has acquired knowledge of suspected child maltreatment through communications required to be kept confidential pursuant to the religious discipline of the relevant denomination or faith; or

(B) Received the knowledge of the suspected child maltreatment from the alleged offender in the context of a statement of admission;

(30) An employee of a child advocacy center or a child safety center;

(31) An attorney ad litem in the course of his or her duties as an attorney ad litem;

(32) (A) A sexual abuse advocate or sexual abuse volunteer who works with a victim of sexual abuse as an employee of a community-based victim service or mental health agency such as Safe Places, United Family Services, or Centers for Youth and Families.

(B) A sexual abuse advocate or sexual abuse volunteer includes a paid or volunteer sexual abuse advocate who is based with a local law enforcement agency;

(33) A rape crisis advocate or rape crisis volunteer;

(34) (A) A child abuse advocate or child abuse volunteer who works with a child victim of abuse or maltreatment as an employee of a community-based victim service or a mental health agency such as Safe Places, United Family Services, or Centers for Youth and Families.

(B) A child abuse advocate or child abuse volunteer includes a paid or volunteer sexual abuse advocate who is based with a local law enforcement agency;

(35) A victim/witness coordinator;

(36) A victim assistance professional or victim assistance volunteer; or

(37) An employee of the Crimes Against Children Division of the Department of Arkansas State Police.

(c) (1) A privilege or contract shall not prevent a person from reporting child maltreatment when he or she is a mandated reporter and required to report under this section.

(2) A school, Head Start program, or day care facility shall not prohibit an employee or a volunteer from directly reporting child maltreatment to the Child Abuse Hotline.

(3) A school, Head Start program, or day care facility shall not require an employee or a volunteer to obtain permission or notify any person, including an employee or a supervisor, before reporting child maltreatment to the Child Abuse Hotline.

HISTORY: Acts 2009, No. 749, § 1; 2009, No. 1409, § 1; 2011, No. 1143, § 8.

12-41-511. Imprisonment of county sheriff.

(a) The county sheriff may be imprisoned in the jail of his or her own county.

(b) For the time the county sheriff shall be confined, the county **coroner** shall have the custody, rule, keeping, and charge of the jail and shall, by himself or herself and his or her securities, be answerable for the faithful discharge of his or her duties in that office.

HISTORY: Rev. Stat., ch. 81, § 24; C. & M. Dig., § 6225; Pope's Dig., § 8188; A.S.A. 1947, § 46-420.

14-14-502. Distribution of powers.

(a) Division. The powers of the county governments of the State of Arkansas shall be divided into three (3) distinct departments, each of them to be confined to a separate body, to wit: Those that are legislative to one, those that are executive to a second, and those that are judicial to a third.

(b) (1) Legislative. All legislative powers of the county governments are vested in the quorum court. The people reserve to themselves the power to propose county legislative measures and to enact or reject them at the polls independent of the quorum court. The people also reserve to themselves the power, at their option, to approve or reject at the polls any entire ordinance enacted by a quorum court.

(2) Executive. (A) The executive divisions of a county government shall consist of:

(i) The county judge, who shall perform the duties of the chief executive officer of the county as provided in Arkansas Constitution, Amendment 55, Section 3, and as implemented in this chapter and who shall preside over the quorum court without a vote but with the power of veto;

(ii) One (1) sheriff, who shall be ex officio collector of taxes, unless otherwise provided by law;

(iii) One (1) assessor;

(iv) One (1) **coroner**;

(v) One (1) treasurer, who shall be ex officio treasurer of the common school fund of the county;

(vi) One (1) surveyor; and

(vii) One (1) clerk of the circuit court, who shall be ex officio clerk of the county and probate courts and recorder.

(B) There may be elected a county clerk in like manner as a circuit clerk, and in such cases, the county clerk may be ex officio clerk of the probate division of circuit court, if such division exists, of the county until otherwise provided by the General Assembly.

(3) Judicial. The judicial divisions of a county government are vested in the county court, except with respect to those powers formerly vested in the county court which, by the provisions of Arkansas Constitution, Amendment 55, are to be performed by the county judge, and in the respective courts of this state as provided by law.

(c) Limitations. No person or collection of persons being one of these departments, legislative, executive, or judicial, shall exercise any power belonging to either of the others, except in the instances expressly directed or permitted.

HISTORY: Acts 1977, No. 742, § 40; 1979, No. 413, § 5; A.S.A. 1947, § 17-3502; Acts 2001, No. 997, § 1.

14-14-603. Offices included.

(a) Within the purposes of this chapter, the term "elective county office" shall mean any office created under the provisions of Arkansas Constitution, Article 7, §§ 19 and 46, as amended by Amendment 24, § 3.

(b) The elective county offices established by these constitutional provisions are:

- (1) One (1) sheriff, who shall be ex officio collector of taxes, unless otherwise provided by law;
- (2) One (1) collector of taxes, where established by law;
- (3) One (1) assessor;
- (4) One (1) **coroner**;
- (5) One (1) treasurer, who shall be ex officio treasurer of the common school fund;
- (6) One (1) surveyor;
- (7) One (1) clerk of the circuit court, who shall be ex officio clerk of the county and probate courts and recorder, unless otherwise provided by law; and
- (8) One (1) county clerk, where established by law.

HISTORY: Acts 1977, No. 742, § 56; A.S.A. 1947, § 17-3703.

14-14-608. Limitations on adoption of alternatives.

(a) **Services to be Maintained.** A county government serving as a political subdivision of the state for the more convenient administration of justice is compelled by law to provide certain services relating to judicial administration, law enforcement, and other matters. No county ordinance adopted by the electors for the establishment of alternative county organizations shall serve to repeal or diminish any general law of the state directing or requiring a county government or any officer or employee of a county government to carry out any function or provide any service. However, nothing in this section shall be construed to limit or prevent counties from adopting alternative county organizations nor the reassignment of statutorily delegated functions or services where such alternative organization or reassignment shall not alter the obligation of the county to continue providing the services or functions which are or may be established by state law.

(b) **Transfer of Duties.** To encourage that a minimum level of consistency shall be maintained in county governments throughout the state, the following organizational limitations may apply where any one (1) or all elective county offices are abolished and consolidated. However, nothing in this section shall be construed to limit the consolidation of any nonelected county office or department by two (2) or more adjoining counties through interlocal agreement:

(1) All duties prescribed by law for the clerk of the circuit court may be assigned to a county department of records and court services;

(2) All duties prescribed by law for a county clerk exclusive of county financial management duties may be assigned to a county department of records and court services;

(3) All duties prescribed by law for a county clerk relating to county financial management may be assigned to a county department of financial management;

(4) All duties prescribed by law for the sheriff serving as an officer of the courts and law enforcement may be assigned to a county department of public safety;

(5) All duties prescribed by law for a sheriff serving as the collector of taxes may be assigned to a county department of financial management;

(6) All duties prescribed by law for a collector of taxes may be assigned to a county department of financial management;

(7) All duties prescribed by law for an assessor may be assigned to a county department of records and court services;

(8) All duties prescribed by law for a surveyor may be assigned to a county department of records and court services;

(9) All duties prescribed by law for a **coroner** may be assigned to a county department of records and court services;

(10) All duties prescribed by law for a treasurer may be assigned to a county department of

financial management. However, any plan for alternative county organization adopted by the electors which includes the abolishment of the treasurer as an elective office shall provide in that plan for the establishment of financial controls. The plan of financial controls shall not vest sole financial administration in a single elected official or in a department which is administratively controlled by the elected official.

HISTORY: Acts 1977, No. 742, § 62; 1979, No. 413, § 13; A.S.A. 1947, § 17-3709.

14-14-1204. Compensation of elected county officers.

(a) The quorum court of each county shall fix by ordinance the annual salaries of the following county officers within the minimums and maximums provided in this section:

- (1) The county judge;
- (2) The sheriff and ex officio collector of taxes;
- (3) The collector of taxes, where established by law;
- (4) The circuit clerk;
- (5) The county clerk, where established by law;
- (6) The assessor;
- (7) The treasurer;
- (8) The **coroner**; and
- (9) The surveyor.

(b) For purposes of determining the salaries of the elected county officers, unless otherwise specifically provided in this section, the counties shall be classified on the basis of population, as determined by the preceding federal decennial census, according to the following classifications: [Click here to view image.](#)

(c) (1) The annual salary of a county judge shall be in compensation for his or her services as the executive and administrator for the county, as judge of the county court, as judge of the court of common pleas, where established, as presiding officer of the quorum court, and for all other services performed as provided by the Arkansas Constitution, by law, or by county ordinance.

(2) The minimum and maximum salaries per annum of the county judge of a county shall be as follows: [Click here to view image.](#)

(d) (1) (A) The annual salary of a sheriff shall be compensation for services as a law enforcement officer, as the supervisor of the county jail, as custodian of persons accused or convicted of crimes, as an officer of the circuit court or county court, as the ex officio county tax collector and delinquent tax collector in those counties where that office is combined with the office of sheriff, and for all other services performed as provided by the Arkansas Constitution, by law, or by county ordinance.

(B) In any county in which the offices of sheriff and collector are combined into a single office, the maximum and minimum salaries for that office in the appropriate county classification shall be increased by the following amounts: [Click here to view image.](#)

(2) The minimum and maximum salaries per annum of the sheriff of a county shall be as follows: [Click here to view image.](#)

(e) (1) In those counties where the office of county tax collector has been separated from the office of sheriff, the annual salary of a county tax collector shall be in compensation for services as tax collector and delinquent tax collector and for all other services performed as provided by the Arkansas Constitution, by law, or by county ordinance.

(2) The minimum and maximum salaries per annum of the county tax collector in those counties where the office has been separated from the office of sheriff shall be as follows: [Click here to view image.](#)

(f) (1) (A) The annual salary of a county and probate clerk shall be in compensation for his or her services as county clerk, probate clerk, clerk of the county court, clerk of the quorum court, registrar of voters, and for all other services performed as provided by the Arkansas Constitution, by law, or by county ordinance.

(B) In those counties where the office of county and probate clerk is combined with the office of circuit clerk and ex officio recorder, the salary shall be as provided in this section.

(C) In those counties where the office of county and probate clerk is combined with the office of circuit clerk and ex officio recorder, the minimum and maximum salaries for that office in the appropriate county classification shall be increased by the following amounts: [Click here to view image.](#)

(2) The minimum and maximum salaries per annum of the county and probate clerk of a county shall be as follows: [Click here to view image.](#)

(g) (1) (A) The annual salary of a circuit clerk and ex officio recorder shall be in compensation for his or her services as clerk of the circuit court, as ex officio recorder, and for all other services performed as provided by the Arkansas Constitution, by law, or by county ordinance.

(B) In those counties where the office of circuit clerk and ex officio recorder is combined with the office of county and probate clerk, the minimum and maximum salaries for that office in the appropriate county classification shall be increased by the following amounts: [Click here to view image.](#)

(2) The minimum and maximum salaries per annum of the circuit clerk and ex officio recorder of a county shall be as follows: [Click here to view image.](#)

(h) (1) (A) The annual salary of a county assessor shall be in compensation for all services performed as county assessor, appraiser, and as provided by the Arkansas Constitution, by law, or by county ordinance.

(B) In any county in which the offices of assessor and collector are combined into a single office, the maximum and minimum salaries of the county assessor and collector in the appropriate county classification shall be increased by the following amounts: [Click here to view image.](#)

(2) The minimum and maximum salaries per annum of the county assessor of a county shall be as follows: [Click here to view image.](#)

(i) (1) (A) The annual salary of a county treasurer shall be in compensation for all services performed as provided by the Arkansas Constitution, by law, or by county ordinance.

(B) In any county in which the offices of treasurer and collector are combined into a single office, the maximum and minimum salaries of the county treasurer and collector in the appropriate county classification shall be increased by the following amounts: [Click here to view image.](#)

(2) The minimum and maximum salaries per annum for the county treasurer of a county shall be as follows: [Click here to view image.](#)

(j) (1) The compensation of a county **coroner** shall be for all services performed as provided by the Arkansas Constitution, by law, or by county ordinance.

(2) The minimum and maximum salaries per annum of the county **coroner** of a county shall be as follows: [Click here to view image.](#)

(k) Compensation of the county surveyor shall be fixed by the quorum court.

HISTORY: Acts 1977, No. 742, § 108; 1979, No. 151, § 1; 1981, No. 806, § 1; 1983, No. 446, § 1; 1985, No. 398, § 1; A.S.A. 1947, § 17-4201; Acts 1989, No. 694, § 1; 1991, No. 1161, § 1; 1993, No. 954, § 1; 1995, No. 661, § 1; 1997, No. 759, § 1; 1999, No. 1424, § 1; 2001, No. 1170, § 1; 2003, No. 109, § 1; 2005, No. 1214, § 1; 2007, No. 526, § 1; 2009, No. 320, § 1.

14-14-1301. County, quorum court district, and township officers.

(a) County Officers. There shall be elected, until otherwise determined by law, in each of the several counties of this state the following county officers:

(1) County Judge. (A) The county judge shall:

(i) Perform the administrative and executive functions and duties, and such additional duties as may be provided by law, to be performed by the judge provided in Arkansas Constitution, Amendment 55, Section 3;

(ii) Preside over the county quorum court without a vote but with the power of veto; and

(iii) Preside over the county court and exercise those judicial and ministerial duties of the county court that were not transferred to the judge to be performed in his or her capacity as the chief executive officer of the county by Arkansas Constitution, Amendment 55, or as may be provided by law.

(B) The judge shall be:

(i) At least twenty-five (25) years of age;

(ii) A citizen of the United States;

(iii) A person of upright character;

(iv) A person of good business education; and

(v) A resident of the county at the time of his or her election and during his or her continuance in office;

(2) Clerk of the Circuit Court. The clerk of the circuit court shall be clerk of all divisions of the court, ex officio clerk of the county court, and recorder, except as provided in subdivision (a)(3) of this section;

(3) County Clerk. A county clerk may be elected in like manner as a circuit clerk, and in such cases, the clerk may be ex officio clerk of the probate division of circuit court, if such division exists, in the county until otherwise provided by the General Assembly, and if created as a separate office, bear witness and sign all writs and other judicial process acted upon by the respective courts served by the clerk;

(4) Assessor. The assessor shall perform such duties as are prescribed by law;

(5) Sheriff. (A) The sheriff, who shall be ex officio collector of taxes, unless otherwise provided by law, shall perform such duties as are prescribed by law. It shall be the general duty of each sheriff to quell and suppress all assaults and batteries, affrays, insurrections, and unlawful assemblies.

(B) The sheriff shall:

(i) Apprehend and commit to jail all felons and other offenders;

(ii) Execute all process directed to him or her by legal authority;

(iii) Attend upon all courts held in his or her county until otherwise provided by law; and

(iv) Perform all other acts and things that are required by law;

(6) Collector of Taxes. A separate collector of taxes may be elected as provided by law. Each collector, upon receiving the tax charge of the county, shall proceed to collect them as may be prescribed by law;

(7) Treasurer. The treasurer, who shall be ex officio treasurer of the common school fund of the county, shall perform such duties as are prescribed by law. However, nothing in this chapter shall be deemed to replace or modify any law of this state authorizing school boards to appoint a treasurer for school districts as provided by law;

(8) County Surveyor. The county surveyor shall perform such duties as are prescribed by law. It shall be the general duty of the surveyor to execute all orders directed by any court of record for surveying or resurveying any tract of land, the title of which is in dispute or in litigation before the court, and to obey all orders of surveys for the partition of real estate, and to provide services to the county court when required for the purpose of surveying and measuring any proposed road;

(9) **Coroner**. The county **coroner** shall perform such duties as are prescribed by law.

(b) Quorum Court District and Township Officers. (1) There shall be elected in each of the quorum court districts of the counties of this state one (1) justice of the peace who shall preside over the justice of the peace courts and perform such judicial duties as may be prescribed by law and who shall serve as a member of the quorum court of the county in which elected and shall perform such legislative duties as may be prescribed by law. Each justice shall be a qualified elector and a resident of the district for which he or she is elected.

(2) There shall be elected in each township, as preserved and continued in § 14-14-401, one (1)

constable who shall have the qualifications and perform such duties as may be provided by law.

HISTORY: Acts 1977, No. 742, § 41; 1979, No. 413, §§ 6-8; A.S.A. 1947, § 17-3601; Acts 2003, No. 1185, § 23.

14-14-1307. Offices.

(a) The county court shall determine the location of the office of the various county, county quorum court district, and township officers.

(b) Nothing in this section, however, shall be construed to compel the county court to provide justices of the peace, constables, **coroners**, or surveyors with a formal office.

HISTORY: Acts 1977, No. 742, § 46; 1979, No. 413, § 9; A.S.A. 1947, § 17-3606.

14-15-301. Powers and duties of a **coroner.**

When a death is reported to the **coroner**, he shall conduct an investigation concerning the circumstances surrounding the death of an individual and gather and review background information, including, but not limited to, medical information and any other information which may be helpful in determining the cause and manner of death.

HISTORY: Acts 1993, No. 1301, § 1.

14-15-302. **Coroner's** investigation.

(a) A **coroner's** investigation does not include criminal investigation responsibilities. However, the **coroner** shall assist any law enforcement agency or the State Crime Laboratory upon request.

(b) (1) A **coroner** shall be given access to all death scenes in order to perform the duties set forth in this subchapter.

(2) A **coroner** may issue subpoenas as necessary to secure pertinent medical or other records and testimony relevant to the determination of the cause and manner of death.

(c) (1) A **coroner** or his or her deputy who has received instruction and has been deemed qualified by the State Crime Laboratory to take and handle toxicological samples from dead human bodies may do so for the purpose of determining the presence of chemical agents that may have contributed to the cause of death.

(2) Toxicological samples may be taken from dead human bodies in those cases in which the **coroner** is required by law to conduct an investigation.

(d) (1) A person, institution, or office in this state that makes available information or material under this section is not criminally liable.

(2) A person, institution, or office in this state is not liable in tort for compliance with this section.

(e) (1) A preliminary written report of the **coroner's** investigation shall be completed within five (5) working days and shall include a pronouncement of death. If indicated, a subsequent report shall be completed.

(2) If the death occurred without medical attendance or was the result of a homicide, an accident, or a suicide, then the preliminary written report shall include without limitation the following information regarding the decedent:

(A) Name;

(B) Date of birth or approximate age if unknown;

(C) Sex;

(D) Social security number if available;

(E) Home address;

(F) Location where the body was discovered;

(G) Time of death or approximate time if unknown;

(H) Condition of the body, including any recent trauma, body temperature, and position;

(I) Any prescribed medications;

(J) Pertinent medical history;

(K) Cause and manner of death;

(L) Photographs or information where photographs may be accessed in cases of non-natural deaths and deaths of persons under eighteen (18) years of age;

(M) List of all other governmental entities investigating the death; and

(N) Disposition of the body.

(3) Nothing in this section shall limit or otherwise restrict the exercise of professional judgment or discretion by a **coroner** or prohibit access to information or testimony necessary to complete a **coroner's** investigation.

HISTORY: Acts 1993, No. 1301, § 1; 1999, No. 812, § 1; 2007, No. 194, § 2; 2009, No. 1288, § 1.

14-15-303. Death certificate.

If, after conducting an investigation, the law enforcement agency and prosecuting attorney of the jurisdiction are satisfied that no crime has occurred, the **coroner** is satisfied that the death is not the result of a crime, and the **coroner** knows to a reasonable certainty the cause and manner of death, the **coroner** or his designated deputy shall proceed to execute a death certificate in the form and manner required by law and release the body for final disposition.

HISTORY: Acts 1993, No. 1301, § 1.

14-15-304. Confidentiality.

(a) Records gathered and created during the course of a **coroner's** investigation shall be confidential and deemed exempt from the Freedom of Information Act of 1967, § 25-19-101 et seq., but only until such time that the **coroner** issues his final report.

(b) Confidential medical information gathered during the course of the investigation shall remain exempt from public inspection and copying except as quoted in the **coroner's** final report.

HISTORY: Acts 1993, No. 1301, § 2.

14-15-305. Employment.

County **coroners** may be employed by any city emergency medical service, county emergency medical service, or joint city and county emergency medical service.

HISTORY: Acts 1989, No. 484, § 1.

14-15-306. Disposition of prescription medication.

(a) A **coroner** may collect and secure any prescription medication of the decedent to ensure that the medication does not come into the possession of a person who might use the medication in an illegal or harmful manner.

(b) Collected medication shall be disposed of under circuit court order or shall be forwarded to the Department of Health within thirty (30) days for proper destruction under § 20-64-214.

(c) This section shall not apply to any prescription medication in the custody or possession of an institutional health care provider or attending hospice nurse that is subject to other laws and regulations governing the destruction or disposition of patient or resident medication.

HISTORY: Acts 2007, No. 194, § 3.

14-15-307. **Coroner's** Advisory Task Force -- Creation -- Powers and duties.

(a) (1) The **Coroner's** Advisory Task Force is created and shall consist of thirteen (13) members.

(2) The Governor shall appoint to the task force:

(A) (i) Six (6) members who are current county **coroners**, selected in a manner so that each of the four (4) congressional districts are represented by at least one (1) **coroner**.

(ii) Of the persons appointed under subdivision (a)(2)(A)(i) of this section:

(a) One (1) member shall be from a Class 1 county or a Class 2 county as defined by § 14-14-1204(b);

(b) One (1) member shall be from a Class 3 county or a Class 4 county as defined by § 14-14-1204(b);

(c) One (1) member shall be from a Class 5 county or a Class 6 county as defined by § 14-14-1204(b); and

(d) One (1) member shall be from a Class 7 county as defined by § 14-14-1204(b);

(B) One (1) member who is a representative of the funeral home industry;

(C) One (1) member who is a licensed attorney in Arkansas;

(D) One (1) member who is a licensed physician in Arkansas;

(E) The State Medical Examiner or his or her designee;

(F) One (1) member to represent the Arkansas Sheriffs' Association;

(G) The Director of the Department of Health or his or her designee; and

(H) One (1) member who is a consumer representative.

(3) If a vacancy occurs, the Governor shall appoint a replacement who represents the same constituency as the vacating member.

(4) Members shall elect a chair who shall serve for one (1) year.

- (5) A majority of the members being present shall constitute a quorum for the transaction of business.
- (6) The task force shall meet as necessary to further the intent and purpose of this subchapter.
- (7) The Department of Health shall provide office space and staff for the task force if funds are available.
- (8) Members shall serve without pay but may receive expense reimbursement under § 25-16-902 if funds are available.
- (b) The task force shall develop standards and policy recommendations on certain issues, including without limitation the following:
- (1) Treatment of a body during the course of a death investigation;
 - (2) The proper manner of choosing who is designated to remove a body from a death scene during the course of a death investigation and at the conclusion of a death investigation;
 - (3) The manner and timeliness of notification of next of kin of the deceased;
 - (4) Other standards and policy recommendations to ensure that all functions of the **coroner** are performed in a professional and ethical manner; and
 - (5) Recommendations to the 88th General Assembly for improvement of laws regarding the duties of a **coroner**, including without limitation proper levels of compensation for the increasing responsibilities and level of training needed to conduct a proper, thorough, and up-to-date death investigation.
- (c) The task force shall be abolished on April 30, 2011.

HISTORY: Acts 2009, No. 1275, § 1.

14-15-308. Training and instruction.

(a) The Arkansas Commission on Law Enforcement Standards and Training, in coordination with the Department of Health, shall establish a training curriculum for medicolegal death investigators, coroners, and deputy coroners in Arkansas that consists of no less than sixteen (16) hours nor more than forty (40) hours of instruction, including without limitation courses on:

- (1) Medicolegal death investigation leading to certification as a medicolegal death investigator;
- (2) Scene investigation;
- (3) Body recovery;
- (4) Safety;
- (5) Statutes and rules;
- (6) Documentation and reporting;
- (7) Communication and interviewing; and
- (8) Proper completion of a death certificate and assignment of cause of death.

(b) The commission shall:

(1) Issue a certificate of satisfactory participation and completion to a coroner, deputy coroner, or medicolegal death investigator who completes the instructional program required under subsection (a) of this section; and

(2) (A) Administer the funds for the payment and reimbursement for materials, speakers, mileage, lodging, meals, the cost of the certificate, and training equipment that are in addition to compensation allowed under §§ 14-14-1203, 14-14-1204, and 14-14-1206.

(B) The commission may receive funding for coroner training through grants-in-aid, donations, and the County Coroners Continuing Education Fund.

(c) The commission shall provide death investigation training:

(1) Free of charge to a law enforcement officer, a state death investigator, and an employee of the State Crime Laboratory; and

(2) For a fee under a memorandum of understanding between the commission and the Arkansas Coroner's Association to coroners and deputy coroners.

HISTORY: Acts 2013, No. 551, § 5.

14-15-309. Mass fatality resource inventory and mutual aid agreement.

(a) As used in this section:

(1) "Fixed assets" means items that are permanently located but can be made available for use, including without limitation:

- (A) Office space;
- (B) Body refrigeration units;
- (C) Personnel rehabilitation areas; and
- (D) Equipment storage facilities;

(2) "Mobile assets" means items that can be transported to an affected area, including without limitation:

(A) Personal protective equipment such as masks, tyvek suits, gloves, boots, environmental protection, and hazards protection;

(B) Investigative equipment such as cameras, measuring devices, collection bags, and labeling devices;

(C) Body recovery equipment such as sheets, body bags, ropes, boards, and stretchers;

(D) Administrative equipment for the purposes of data recording, financial management, and records preservation; and

(E) Vehicular equipment such as cars, trucks, vans, trailers, and boats; and

(3) "Personnel assets" means:

(A) Coroners, deputy coroners, and medicolegal death investigators; and

(B) Other individuals or entities that possess specialized skills necessary for the comprehensive investigation of deaths in a mass fatality incident.

(b) (1) The Department of Health may enter into a mass fatality resource inventory and mutual aid agreement among coroners in this state.

(2) A mass fatality resource inventory and mutual aid agreement under this section is effective

when signed by the county judge in a county in which a coroner enters into an agreement under subdivision (b)(1) of this section.

(3) A mass fatality resource inventory and mutual aid agreement under this section may provide for the sharing of fixed assets, mobile assets, and personnel assets.

(c) The signatures of the county judge and the coroner are necessary for a county to pledge its deputies, equipment, and resources to the mass fatality mutual aid agreement.

(d) Only a coroner, deputy coroner, or medicolegal death investigator who receives documentation reflecting satisfactory participation and completion from the commission and is in good standing under this section may be allocated for assignment and duty in the mass fatality resource inventory and mutual aid agreement.

(e) The Department of Health shall maintain records of coroners, deputy coroners, and medicolegal death investigators who have received training and certificates of course completion under this section from the Arkansas Commission on Law Enforcement Standards and Training.

HISTORY: Acts 2013, No. 551, § 5.

16-10-124. Enforcement of return of writ or process and payment of moneys.

Each court may enforce by attachment the return of any writ or process issued out of the same court and the payment of moneys had and received by any sheriff, **coroner**, constable, attorney, or collector in his or her official capacity, and the delivery of papers entrusted to him or her officially, and unlawfully withheld.

HISTORY: Rev. Stat., ch. 43, § 22; C. & M. Dig., § 2106; Pope's Dig., § 2710; A.S.A. 1947, § 22-112.

16-19-410. Additional compensation of justices of the peace in townships having a municipal court.

A justice of the peace in a township subject to this act shall receive as compensation for his services the sum of twenty-five dollars (\$25.00) per year, in equal quarterly installments, payable by the county, in addition to the compensation provided for by Acts 1875, No. 55, § 76 [repealed], and such fees as are allowed to justices of the peace by law for solemnizing marriages, taking and certifying acknowledgments of instruments, and attending to the duties of **coroner**, and for service in relation to estrays.

HISTORY: Acts 1927, No. 60, § 18; Pope's Dig., § 9914; A.S.A. 1947, § 22-726.

16-19-506. Manner of service and return.

(a) The service and return thereto of the process provided for in this chapter shall be made in the same manner as in the circuit court, except that no service other than is provided for in this chapter shall be made by publication, nor shall any return made by anyone other than the sheriff, **coroner**, or constable of the county be valid unless sworn to.

(b) The service of process shall be by:

(1) Delivering to the defendant a copy of the summons, and, if he refuses to receive it, the offer of it to him shall be a sufficient service; or

(2) Leaving a copy of such summons at the usual place of abode of the defendant with some person who is a member of his family over the age of fifteen (15) years; or

(3) Reading it to and in the presence of the defendant.

HISTORY: Acts 1873, No. 135, §§ 9, 10, p. 430; C. & M. Dig., §§ 6416, 6417; Pope's Dig., §§ 8378, 8379; A.S.A. 1947, §§ 26-506, 26-507.

16-33-304. Challenge to trial jurors – Individual juror for cause.

(a) The challenge for cause may be taken either by the state or by the defendant.

(b) It may be general, that the juror is disqualified in serving in any case, or particular, that he is disqualified from serving in the case on trial.

(1) Causes of general challenge are:

(A) A want of the qualifications prescribed by law;

(B) A conviction for a felony;

(C) Unsoundness of mind, or such defect in the faculties of the mind, or organs of the body, as renders him incapable of properly performing the duties of a juror.

(2) Particular causes of challenge are actual and implied bias.

(A) Actual bias is the existence of such a state of mind on the part of the juror, in regard to the case or to either party, as satisfies the court, in the exercise of a sound discretion, that he cannot try the case impartially and without prejudice to the substantial rights of the party challenging.

(B) A challenge for implied bias may be taken in the case of the juror:

(i) Being related by consanguinity, or affinity, or who stands in the relation of guardian and ward, attorney and client, master and servant, landlord and tenant, employer and employed on wages, or who is a member of the family of the defendant or of the person alleged to be injured by the offense charged, or on whose complaint the prosecution was instituted;

(ii) Being adverse to the defendant in a civil suit, or having complained against or being accused by him in a criminal prosecution;

(iii) Having served on the grand jury that found the indictment or on the **coroner's** jury that inquired into the death of the party, whose death is the subject of the indictment;

(iv) Having served on a trial jury which has tried another person for the offense charged in the indictment;

(v) Having been one of the former jury sworn to try the same indictment and whose verdict was set aside, or who were discharged without a verdict;

(vi) Having served as a juror in a civil action brought against the defendant for the act charged in the indictment;

(vii) When the offense is punishable with death, the entertaining of such conscientious opinions as would preclude him from finding the defendant guilty.

(c) An exemption from serving on a jury is not a cause of challenge. Having formed or expressed an opinion merely from rumor shall not be a cause of challenge.

HISTORY: Crim. Code §§ 207-212, 218; C. & M. Dig., §§ 3156-3160, 3163; Pope's Dig., §§ 3990-3995, 3999; A.S.A. 1947, §§ 43-1915 -- 43-1920, 43-1923.

16-55-114. Notices -- Form -- Service generally.

(a) (1) The notices mentioned in this code shall be in writing and may be served by a sheriff, constable, **coroner**, or marshal of a town or city, whose return thereon shall be proof of the service.

(2) Notices may also be served by any person not a party or interested in the action or proceeding, whose affidavit shall be proof of the service, or by acknowledgment thereon in writing by the party upon whom served.

(b) The service of a notice shall be by giving a copy to the person to whom it is directed, or if he or she cannot be found at his or her usual place of abode, by leaving a copy there with a person over the age of sixteen (16) years residing in the same family with him or her, or if no such person is there, then by affixing a copy to the front door of the place of abode. If the person to whom the notice is directed cannot be found and has no known place of abode in this state, the notice may be served by delivering a copy to his or her attorney.

(c) The return of the officer or the affidavit of the person who served the notice shall state the time and manner of the service. If a copy of the notice is not given to the person to whom it is directed, the return or affidavit shall state the facts authorizing the manner of service pursued.

HISTORY: Civil Code, §§ 706, 707; C. & M. Dig., §§ 1327, 1328; Pope's Dig., §§ 1552, 1553; A.S.A. 1947, §§ 27-1203, 27-1204.

16-55-219. **Coroner or medical examiner.**

Nothing in § 16-55-201 et seq. and §§ 16-114-206(a), 16-114-208(a), 16-114-208(c)(1), and 16-114-209 -- 16-114-212 shall be construed to diminish or enlarge the powers or duties of a **coroner** or medical examiner.

HISTORY: Acts 2003, No. 649, § 24.

16-56-109. Actions against sheriffs, coroners, and other officials.

(a) All actions against sheriffs and coroners upon any liability incurred by them by doing any act in their official capacity or by the omission of any official duty, except for escapes, shall be brought within two (2) years after the cause of action has accrued and not thereafter.

(b) All actions against sheriffs or other officers for the escape of any person imprisoned on civil process shall be commenced within one (1) year from the time of escape, and not thereafter.

HISTORY: Rev. Stat., ch. 91, §§ 8, 9; C. & M. Dig., §§ 6952, 6953; Pope's Dig., §§ 8930, 8931; A.S.A. 1947, §§ 37-202, 37-203.

16-56-110. Sheriffs', coroners', and constables' bonds.

(a) Actions on the official bonds of sheriffs and coroners shall be commenced within four (4) years after the cause of action shall accrue, and not afterward.

(b) A certified copy of the bond shall be evidence in all suits brought on the bond.

(c) No suit shall be brought on any bond of a constable after the expiration of four (4) years from its date.

HISTORY: Rev. Stat., ch. 29, § 14; Acts 1844, § 1, p. 24; C. & M. Dig., § 6957; Pope's Dig., § 8935; A.S.A. 1947, §§ 37-207, 37-208.

16-58-117. Return.

(a) (1) Each sheriff, **coroner**, and constable, on the return made by him or her on any writ or other process, shall state at length the time when, the place where, and how the writ or process was served.

(2) Otherwise, the officer shall not be entitled to demand or receive any fee for the service or execution of the writ or other process.

(b) (1) In all cases of the return of service upon a summons by an officer, the return must state the time of service and that a copy was delivered to, or offered and refused by, the defendant.

(2) (A) If a return of service is defective in these respects, the officer may be fined by the court, not exceeding ten dollars (\$10.00), and shall be liable to the action of any person aggrieved by the defect.

(B) However, the court may permit an amendment, according to the truth of the case.

(c) It shall not be a sufficient return of any process that the officer was kept off by force from executing it.

HISTORY: Acts 1842, § 25, p. 27; Civil Code, §§ 67, 779; C. & M. Dig., §§ 1145, 4625, 9168; Pope's Dig., §§ 1361, 5714, 11830; A.S.A. 1947, §§ 27-333 -- 27-335.

16-65-202. Judgments against officers or securities on defaults.

(a) (1) Judgment shall be rendered summarily against the persons and their securities and for the defaults stated in subsections (b)-(d) of this section.

(2) The motion may be made by the party aggrieved or his or her legal representatives against the person in default and his or her securities upon his or her official bond.

(3) Judgment shall be rendered against such of the parties, whether principal or surety, as may have received notice of the intended motion.

(b) Judgments shall be rendered for the plaintiffs in the following cases against the sheriff, **coroner**, or constable receiving or executing the writ:

(1) For willfully failing to return an execution, the amount of the judgment on which it was issued, including all the costs and ten percent (10%) thereon;

(2) On demand of the plaintiff or his or her agent or attorney for willfully failing to pay over money collected upon an execution, judgment for the amount so collected, and ten percent (10%) per month damages from the time such demand was made;

(3) (A) Judgment for the amount of the execution, interest, costs, and ten percent (10%) damages for willfully failing to make the money on an execution which by due diligence could have been made.

(B) However, the sheriff or other officer shall have the same defenses that now exist by law with regard to property, the title to which is contested;

(4) For willfully making a false return upon an execution, judgment for the amount of the execution, interest, and costs, and ten percent (10%) damages thereon;

(5) For willfully failing to endorse on an execution the true date of its delivery to him or her, judgment for twenty percent (20%) on the amount of the execution, and the officer shall also be responsible for any injury or loss which may arise from the omission;

(6) (A) For willfully failing to execute a summons, attachment, or other mesne process which, by due diligence, could have been executed, judgment for a sum not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500) to be ascertained by a jury.

(B) This remedy shall not preclude the party injured from a resort to other legal means of redress; and

(7) Judgment in favor of the party or officer, as the case may be, for the amount for which he or she is liable, and ten percent (10%) per month thereon from the time the money should have been paid, until paid, for willfully failing to pay on demand to the party or officer entitled to receive the same all money received by him or her in his or her official capacity, and which it is by law his or her duty to pay over, whether it is for fines, forfeitures, costs, or other indebtedness.

(c) In the manner prescribed in subsection (a) of this section, judgment shall be rendered in favor of the defendant against the officers and their securities named in that subsection on the notice therein specified:

(1) For willfully failing to pay over on demand any excess of money which may remain upon a sale by execution, after the satisfaction thereof, and the costs, judgment for the amount of such excess and five percent (5%) per month after demand;

(2) For willfully failing to return an execution, wholly or partially satisfied, twenty-five percent (25%) on the amount paid; and

(3) For willfully failing to pay over on demand money paid or collected on an execution, the whole or any part of which is enjoined in circuit court or the judgment on which the execution issued has been reversed or set aside in any manner or the execution superseded or quashed, judgment for the amount and five percent (5%) per month on the amount from the time the execution was returnable.

(d) Judgment shall be rendered against the clerk and his or her sureties, in the manner prescribed in subsection (a) of this section, upon the notice prescribed and shall be rendered in favor of the plaintiff:

(1) Twenty-five percent (25%) on the amount of the debt for willfully failing to issue an execution upon a forfeited delivery bond within five (5) days after the return thereof to his or her office by the proper officer;

(2) Twenty-five percent (25%) on the amount of the judgment for willfully failing to issue execution upon any judgment, order, or decree in his or her office on request of the party interested, or his or her agent or attorney; and

(3) (A) Judgment for a sum not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500), to be ascertained by a jury, for willfully failing to issue an attachment, summons, or other mesne process, which the party applying may be entitled to have issued.

(B) This remedy is not to preclude the party injured from a resort to other legal means of redress.

HISTORY: Acts 1857, §§ 1-3, p. 141; C. & M. Dig., §§ 6255-6258; Pope's Dig., §§ 8211-8214; A.S.A. 1947, §§ 29-207 -- 29-210; Acts 2003, No. 1151, § 1.

16-66-407. Expiration of term, death, etc., of officer after levy.

(a) Where an officer has levied upon any goods and chattels, real estate, or other effects, by virtue of any execution, and the term of service of the officer expires and is terminated before or after the sale thereof, and before the purchaser has obtained a deed therefor, the officer shall nevertheless have power to do and perform all things in relation to the execution, and the sale of the property, and in making and acknowledging a deed to the purchaser, to all intents and purposes, as if his or her term of service had not expired. The officer and his or her securities shall be subject to the same penalties, actions, proceedings, and judgments for neglect, misconduct, or failure therein, as if he or she had still continued in office.

(b) When any officer dies or is removed from office, or is otherwise disqualified from acting, after having taken in execution any goods and chattels, real estate, shares, or other effects, and before sale thereof, the sheriff or **coroner** then in office shall proceed thereon, and do and perform all things remaining to be done and performed in relation to the execution, and the sale of the property, and in making and executing deeds and conveyances therefor, in the same manner and with the same effect as the officer so deceased, removed from office, or disqualified could have done.

HISTORY: Rev. Stat., ch. 60, §§ 59, 60; C. & M. Dig., §§ 4357, 4358; Pope's Dig., §§ 5369, 5370; A.S.A. 1947, §§ 30-415, 30-416.

16-90-112. Fixing of punishment -- Removal from certain offices - - Exclusion of suffrage.

(a) Where judges of the probate court, justices of the peace, sheriffs, **coroners**, surveyors, jailers, county assessors, prosecuting attorneys, constables, city or police judges, clerks, and marshals shall be convicted upon an indictment for malfeasance or misfeasance in office, for willful neglect in the discharge of their official duties, or for any offense which by statute law or the Arkansas Constitution creates a forfeiture of their offices, the court shall render a judgment of removal from office in addition to the other penalties and punishment prescribed by law.

(b) Every person convicted of bribery or felony shall be excluded from every office of trust or profit and from the right of suffrage in this state.

HISTORY: Rev. Stat., ch. 44, div. 4, art. 11, § 8; Crim. Code, § 287; C. & M. Dig., §§ 3246, 3247; Pope's Dig., §§ 4091, 4092; A.S.A. 1947, §§ 43-2318, 43-2319.

16-93-204. Executive clemency.

(a) (1) (A) All applications for pardon, commutation of sentence, reprieve, respite, or remission of fine or forfeiture shall be signed by the applicant under oath.

(B) For purposes of § 5-53-102, the application shall be deemed an official proceeding.

(2) An applicant shall obtain and include with his or her application a certified copy of the applicant's judgment and commitment order or comparable document.

(3) Applications shall be referred to the Parole Board for investigation.

(b) The board shall thereupon investigate each case and shall submit to the Governor its recommendation, a report of the investigation, and all other information the board may have regarding the applicant.

(c) (1) As part of the board's investigation, the chair of the board or his or her designee shall have the power to issue oaths and subpoena witnesses to appear and testify and to bring before the board any relevant books, papers, records, or documents.

(2) (A) The subpoena shall be directed to any sheriff, **coroner**, or constable of the county in which the designated witness resides or is found.

(B) The endorsed affidavit on the subpoena of any person shall be proof of the service of the subpoena.

(C) The subpoena shall be served and returned in the same manner as subpoenas in civil actions in the circuit courts are served and returned.

(d) (1) Before the board shall consider an application for a pardon or recommend a commutation of sentence, the board shall solicit the written or oral recommendation of the committing court, the prosecuting attorney, and the sheriff of the county from which the person was committed.

(2) (A) Before considering an application for a pardon or recommending a commutation of sentence of a person who was convicted of capital murder, § 5-10-101, or a Class Y, Class A, or Class B felony, the board shall notify the victim of the crime or the victim's next of kin, if he or she files a request for notice with the prosecuting attorney.

(B) When the board provides notice under subdivision (d)(2)(A) of this section, the board shall solicit the written or oral recommendations of the victim or the victim's next of kin regarding the granting of a pardon or commutation of sentence.

(3) The board shall retain a copy of the recommendations in the board's file.

(4) The recommendations shall not be binding upon the board in advising the Governor whether to grant a pardon or commute a sentence but shall be maintained in the inmate's file.

(5) (A) If a hearing will be held on the application, the board shall notify the victim or the victim's next of kin of the date, time, and place of the hearing.

(B) The notice shall be given when soliciting the recommendations of the victim of the crime or the victim's next of kin.

(e) At least thirty (30) days before submitting to the Governor a recommendation that an application for pardon, commutation of sentence, or remission of fine or forfeiture be granted, the board shall:

(1) Issue a public notice of its intention to make such a recommendation; and

(2) Send notice of its intention to the circuit judge who presided over the applicant's trial, the prosecuting attorney, and the sheriff of the county in which the applicant was convicted and, if applicable, to the victim or the victim's next of kin if the victim or the victim's next of kin registered for notification with the prosecuting attorney under § 16-21-106(c).

(f) Whether the board recommends that an application for pardon, commutation of sentence, or remission of fine or forfeiture be granted or denied by the Governor, the board shall issue public notice of each recommendation.

HISTORY: Acts 1968 (1st Ex. Sess.), No. 50, § 32; A.S.A. 1947, § 43-2811; Acts 1991, No. 706, § 2; 1993, No. 530, § 5; 1993, No. 547, § 5; 2005, No. 1975, § 3.

16-93-706. Revocation -- Subpoena of witnesses and documents.

(a) (1) The Chair of the Parole Board or his or her designee, the hearing officer presiding over any preliminary hearing with respect to an alleged parole violation, the administrator of the board, or any member of the board pursuant to the authority of the board to meet and determine whether to revoke parole shall have the power to issue oaths and to subpoena witnesses to appear and testify and bring before the hearing officer or the board any relevant books, papers, records, or documents.

(2) The subpoena shall be directed to any sheriff, **coroner**, or constable of any county where the designated witness resides or is found. The endorsed affidavit on the subpoena of any person of full age shall be proof of the service, which shall be served and returned in the same manner as subpoenas in civil actions in the circuit courts are served and returned.

(b) The fees and mileage expenses as prescribed by law for witnesses in civil cases shall be paid by the Department of Correction.

(c) (1) In case of failure or refusal by any person to comply with a subpoena issued under this section to testify or answer to any matter regarding which the person may be lawfully interrogated, any circuit court in this state, on application of the hearing officer or the chair, shall, in term or vacation, issue an attachment for the person and compel him or her to comply with the subpoena and appear before the hearing officer or the board and to produce any testimony and documents as may be required.

(2) The circuit court shall have the power to punish any contempt, in case of disobedience, as in civil cases, or it shall be a misdemeanor for a witness to refuse or neglect to appear and testify, punishable upon conviction by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500).

(d) Any person willfully testifying falsely under oath before the board or at a preliminary hearing in which probable cause for parole revocation is to be considered as to any matter material to a lawful inquiry by the board or hearing officer may be charged with perjury and upon conviction punished accordingly.

HISTORY: Acts 1975, No. 735, §§ 1-4; A.S.A. 1947, §§ 43-2824 -- 43-2827; Acts 2011, No. 570, § 104.

16-94-207. Governor to sign warrant.

If the Governor shall decide that the demand should be complied with, he or she shall sign a warrant of arrest, which shall be sealed with the state seal, and be directed to a sheriff, marshal, **coroner**, or other person whom he or she may think fit to entrust with the execution thereof; and the warrant must substantially recite the facts necessary to the validity of its issue.

HISTORY: Acts 1935, No. 126, § 7; Pope's Dig., § 6087; A.S.A. 1947, § 43-3007.

16-112-123. Writ in nature of summary habeas corpus.

(a) (1) When it shall appear by satisfactory proof that any person is illegally imprisoned or restrained of his or her liberty and that there is good reason to believe that he or she will be carried out of the state, or suffer some irreparable injury before he or she can be relieved by a writ of habeas corpus, any court or judge authorized to issue the writ may issue a warrant reciting the facts and directed to any sheriff, **coroner**, constable, or other person, commanding him or her to take the prisoner and to bring the prisoner forthwith before the court or judge, to be dealt with according to law.

(2) Where the proof shall also be sufficient to justify the arrest of the person having the prisoner in his or her custody, as for a criminal offense committed in the taking and detaining the prisoner, the warrant shall also contain an order for the arrest of the offender.

(b) The warrant shall be executed according to the command thereof, and, when the prisoner is brought before the court or judge, the person detaining the prisoner shall make a return in like manner, and the like proceedings shall be had as if a writ of habeas corpus had been issued in the first instance.

(c) If the person having the prisoner in custody is brought before a court or a judge as for a criminal offense, he or she shall be examined, committed, bailed, or discharged in the same manner as in other criminal cases of like nature.

HISTORY: Rev. Stat., ch. 73, art. 4, §§ 1-4; C. & M. Dig., §§ 5121-5124; Pope's Dig., §§ 6384-6387; A.S.A. 1947, §§ 34-1743 -- 34-1746.

17-29-311. Violations -- Prohibitions.

(a) The State Board of Embalmers and Funeral Directors may issue letters of reprimand or caution, refuse to issue or renew a license, suspend or revoke any license for the practice of embalming or funeral directing, or may place the holder thereof on a term of probation after proper hearing upon finding the holder of the license to be guilty of acts of commission or omission, including the following:

- (1) Conviction of a felony;
- (2) Misrepresentations made or fraud committed as a holder of a license;
- (3) False or misleading advertising;
- (4) Solicitation of dead human bodies by the licensee, his or her agents, assistants, or employees, whether the solicitation occurs after death or while death is impending, provided that this prohibition shall not be deemed to prohibit general advertising;
- (5) Employment directly or indirectly of an apprentice, agent, assistant, employee, or other person on a part-time or full-time basis or on a commission for the purpose of calling upon individuals or institutions by whose influence dead human bodies may be turned over to a particular funeral establishment;
- (6) The direct or indirect payment or offer of payment of a commission by the licensee, his or her agents, assistants, or employees for the purpose of securing business;
- (7) Allowing personnel unlicensed pursuant to this subchapter to execute contracts for funeral service;
- (8) Aiding or abetting an unlicensed person to practice embalming or funeral directing;
- (9) Violation of any provision of this subchapter and § 17-29-201 et seq.;
- (10) Violation of any state law or municipal or county ordinance or regulation affecting the handling, custody, care, transportation, or final disposition of dead human bodies;
- (11) Fraud or misrepresentation in obtaining or renewing a license;
- (12) Refusing to properly release a dead human body to the custody of the person or entity having the legal right to effect such a release if all other applicable laws and rules have been followed by the holder of the license;
- (13) Willful failure to secure a permit for the removal or burial or other disposition of a dead

human body;

(14) Knowingly making a false statement on a certificate of death;

(15) Violations of applicable law or regulation with regard to prearranged or prepaid funeral services or funeral merchandise. However, the proper regulatory agency for prearranged or prepaid funeral services or funeral merchandise shall have determined that such a violation has occurred;

(16) Discriminating in services because of race, creed, color, or national origin;

(17) Failure to meet continuing education requirements; or

(18) Failure to answer a complaint within the fifteen-day time period.

(b) No violation of subdivision (a)(4), (a)(5), (a)(6), or (a)(7) of this section shall be deemed to have occurred when in the ordinary course of business a routine sale of a prearranged or a prefinanced funeral or of funeral merchandise shall have been made.

(c) No person licensed pursuant to this subchapter shall remove or embalm a dead human body when he or she has information indicating crime or violence of any sort in connection with the cause of death until permission of the **coroner** or medical examiner, or some other fully qualified person acting in such a capacity if there is no **coroner** or medical examiner, has first been obtained.

(d) A public officer or employee, the official of any public institution, any physician or surgeon, or any other person having a professional relationship with a decedent shall not send or cause to be sent to a funeral establishment or to a person licensed under this subchapter the remains of any deceased person without having first made due inquiry as to the desires of the authorizing agent or agents.

(e) It shall be unlawful for any person, partnership, corporation, or association who has not been licensed or registered as specified in this subchapter to transact, practice, or hold himself or herself or itself out as transacting or practicing embalming or funeral directing or operating or maintaining a funeral establishment within this state.

(f) All dead human bodies not buried or otherwise disposed of within twenty-four (24) hours after death shall be embalmed as prescribed in this subchapter or § 17-29-201 et seq. or stored under refrigeration as determined by the State Board of Health.

(g) It shall be unlawful and a violation of this subchapter and § 17-29-201 et seq. to transport or otherwise transfer by common carrier any dead human body out of the State of Arkansas unless the body has been prepared and embalmed by a licensed embalmer of this state and a transit-

burial permit has been issued by the local registrar of the county where death occurred. Any licensee of this state permitting this to be done shall be subject to the punishment spelled out in this subchapter and § 17-29-201 et seq.

(h) It shall be unlawful and a violation of this chapter for any person to engage in the practice of embalming or funeral directing or to hold himself or herself out to the public as a practicing embalmer or funeral director within the State of Arkansas without being the holder of a license.

HISTORY: Acts 1983, No. 325, § 11; A.S.A. 1947, § 71-911; Acts 1997, No. 839, § 7; 2003, No. 367, § 4; 2011, No. 874, §§ 5, 6.

20-15-502. Reports required.

(a) Any sheriff, deputy sheriff, city police officer, state police officer, member of the staff of any public or private hospital, or attending physician with knowledge of the sudden death of a child between the ages of one (1) week and one (1) year who appeared in apparent good health shall immediately report the death to the county **coroner** or the county sheriff if the county **coroner** is unavailable, within twenty-four (24) hours after the discovery of the death.

(b) The report shall include facts concerning the time, place, manner, and circumstances surrounding the death.

(c) Upon receipt of the report, the county **coroner**, or the county sheriff if the county **coroner** is unavailable, shall report the death to the Division of Health of the Department of Health and Human Services.

HISTORY: Acts 1979, No. 116, § 2; A.S.A. 1947, § 82-640.

20-15-503. Autopsy.

(a) Upon receipt of the report, the county **coroner**, or the county sheriff if the county **coroner** is unavailable, shall request from the parents or guardian of the deceased written permission upon a form provided by the Division of Health of the Department of Health and Human Services for an autopsy to be made to determine the exact cause of death.

(b) (1) Upon receipt of the permission, the county **coroner**, or the county sheriff if the county **coroner** is unavailable, shall notify the division. The division shall arrange for the transportation of the deceased and arrange for an autopsy to be made by a licensed physician in the State of Arkansas and shall arrange for the return transportation of the deceased.

(2) If the parents or guardian shall refuse permission for an autopsy to be made, the death nevertheless shall be reported to the division.

(c) (1) The results and findings of the autopsy, if any is performed, shall be reported to the parents or guardian of the deceased.

(2) The appropriate finding of cause of death shall be recorded upon the certificate of death in any case and the term "sudden infant death syndrome" shall be entered on the certificate of death when it is appropriately descriptive of the circumstances and cause of death of the child.

(d) Information concerning sudden infant death syndrome shall be provided by the division to the parents or guardian of an infant whose death has been reported pursuant to this subchapter.

HISTORY: Acts 1979, No. 116, § 3; A.S.A. 1947, § 82-641.

20-17-617. Procurement of transplantable tissue -- **Coroners -- Procurement agencies.**

(a) The **coroners** and medical examiners of the counties of Arkansas shall make reasonable efforts to facilitate procurement of transplantable organs and tissues in coordination with organ recovery agencies.

(b) All organs and tissue procured in Arkansas shall be offered first to Arkansas patients before consideration of out-of-state patients unless that would be in conflict with federally mandated guidelines.

HISTORY: Acts 1991, No. 1010, § 1; 1993, No. 409, § 4; 1997, No. 75, § 3.

20-17-701. Rights of coroner, justice of the peace, or courts unaffected.

None of the provisions of this subchapter shall affect the right of a **coroner** or a justice of the peace to hold the dead body as described under § 20-17-703 for the purpose of investigating the cause of death, nor shall this subchapter affect the right of any court of competent jurisdiction from entering an order affecting the disposition of the body.

HISTORY: Acts 1959, No. 22, § 13; A.S.A. 1947, § 82-405.10.

20-17-1222. Cooperation between a coroner or the state medical examiner and a procurement organization.

(a) A coroner and the state medical examiner shall cooperate with procurement organizations to maximize the opportunity to recover anatomical gifts for the purpose of transplantation, therapy, research, or education.

(b) If a coroner or the state medical examiner receives notice from a procurement organization that an anatomical gift might be available or was made with respect to a decedent whose body is under the jurisdiction of the coroner or the state medical examiner and a post-mortem examination is going to be performed, unless the state medical examiner denies recovery in accordance with § 20-17-1223 the state medical examiner or designee shall conduct a post-mortem examination of the body or the part in a manner and within a period compatible with its preservation for the purposes of the gift.

(c) A part may not be removed from the body of a decedent under the jurisdiction of a coroner or the state medical examiner for transplantation, therapy, research, or education unless the part is the subject of an anatomical gift. The body of a decedent under the jurisdiction of the coroner or the state medical examiner may not be delivered to a person for research or education unless the body is the subject of an anatomical gift. This subsection does not preclude a coroner or the state medical examiner from performing the medicolegal investigation upon the body or parts of a decedent under the jurisdiction of the coroner or the state medical examiner.

HISTORY: Acts 2007, No. 839, § 1.

20-17-1223. Facilitation of anatomical gift from decedent whose body is under jurisdiction of coroner or the state medical examiner.

(a) Upon request of a procurement organization, a **coroner** or the state medical examiner shall release to the procurement organization the name, contact information, and available medical and social history of a decedent whose body is under the jurisdiction of the **coroner** or the state medical examiner. If the decedent's body or part is medically suitable for transplantation, therapy, research, or education, the **coroner** or the state medical examiner shall release post-mortem examination results to the procurement organization. The procurement organization may make a subsequent disclosure of the post-mortem examination results or other information received from the **coroner** or the state medical examiner only if relevant to transplantation or therapy.

(b) The **coroner** or the state medical examiner may conduct a medicolegal examination by reviewing all medical records, laboratory test results, x-rays, other diagnostic results, and other information that any person possesses about a donor or prospective donor whose body is under the jurisdiction of the **coroner** or the state medical examiner which the **coroner** or the state medical examiner determines may be relevant to the investigation.

(c) A person that has any information requested by a **coroner** or the state medical examiner pursuant to subsection (b) shall provide that information as expeditiously as possible to allow the **coroner** or the state medical examiner to conduct the medicolegal investigation within a period compatible with the preservation of parts for the purpose of transplantation, therapy, research, or education.

(d) If an anatomical gift has been or might be made of a part of a decedent whose body is under the jurisdiction of the **coroner** or after a post-mortem examination the **coroner** determines that no autopsy is required, or , if the decedent has been referred to the state medical examiner for post-mortem examination under § 12-12-318 and the state medical examiner determines that an autopsy is required, after consultation with the prosecuting attorney and the **coroner**, and it is determined that the recovery of the parts that are the subject of an anatomical gift will not interfere with the autopsy, the **coroner**, state medical examiner, and procurement organization shall cooperate in the timely removal of the part from the decedent for the purpose of transplantation, therapy, research, or education.

(e) If an anatomical gift of a part from the decedent under the jurisdiction of the **coroner** or the state medical examiner has been or might be made, and after consultation with the **coroner** and prosecuting attorney, the state medical examiner believes the recovery of the part could interfere with determination of the decedent's cause and manner of death, the state medical examiner shall consult with the procurement organization or physician or technician designated by the procurement organization about the proposed recovery. The procurement organization shall provide the state medical examiner with all information that the procurement organization has that could relate to the cause or manner of the decedent's death. After consultation with the prosecuting attorney and **coroner**, the state medical examiner may allow the recovery.

(f) The **coroner**, prosecuting attorney, medical examiner, and a procurement organization shall enter into an agreement establishing protocols and procedures governing the relations between

them when an anatomical gift of a part from a decedent whose body is under the jurisdiction of the **coroner** or medical examiner has been or might be made but the **coroner** or medical examiner believes that the recovery of the part could interfere with the post-mortem investigation into the decedent's cause or manner of death. Decisions regarding the recovery of the part from the decedent shall be made in accordance with the agreement. The **coroner**, prosecuting attorney, medical examiner, and the procurement organization shall evaluate the effectiveness of the agreement at regular intervals but no less frequently than every two years.

(g) In the absence of an agreement establishing protocols and procedures governing the relations between the state medical examiner and a procurement organization, if the state medical examiner intends to deny recovery of an organ for transplantation or therapy, the state medical examiner or designee, at the request of the procurement organization, shall attend the removal procedure for the organ before making a final determination not to allow the procurement organization to recover the organ. During the removal procedure, the state medical examiner or designee may allow recovery by the procurement organization to proceed, or, if the state medical examiner or designee believes that the organ may be involved in determining the decedent's cause or manner of death, deny recovery by the procurement organization.

(h) If the procurement organization seeks to recover only an eye or tissue or both, the medical examiner or designee shall not be required to attend a removal procedure as provided in subsection (g).

(i) If the state medical examiner or designee denies recovery under subsection (g), the individual denying recovery shall:

- (1) explain in a record the specific reasons for not allowing recovery of the part;
- (2) include the specific reasons in the records of the state medical examiner; and
- (3) provide a record with the specific reasons to the procurement organization.

(j) If the **coroner** or the state medical examiner or designee allows recovery of a part, the procurement organization will cooperate with the **coroner** and medical examiner in any documentation of injuries and the preservation and collection of evidence prior to and during the recovery of the part; and, upon request, shall cause the physician or technician who removes the part to provide the **coroner** and medical examiner with a record describing the condition of the part, a biopsy, a photograph, and any other information and observations that would assist in the post-mortem examination.

(k) If the state medical examiner or designee is required to be present at a removal procedure under subsection (g), upon request the procurement organization requesting the recovery of the organ shall reimburse the state medical examiner or designee for the additional costs incurred in complying with subsection (g).

HISTORY: Acts 2007, No. 839, § 1.

20-18-601. Registration generally.

(a) (1) A death certificate for each death that occurs in this state shall be filed with the Division of Vital Records of the Department of Health or as otherwise directed by the State Registrar of Vital Records within ten (10) days after the death or the finding of a dead body and shall be registered if the death certificate has been completed and filed in accordance with this section.

(2) A fact of death record for each death that occurs in this state shall be filed with the division within three (3) calendar days after the death or the finding of a dead body.

(3) (A) If the place of death is unknown but the body is found in this state, the death certificate shall be completed and filed in accordance with this section.

(B) The place where the body is found shall be shown as the place of death.

(C) (i) If the date of death is unknown, it shall be determined by approximation.

(ii) If the date cannot be determined by approximation, the date found shall be entered and identified as such.

(4) (A) If a death occurs in a moving conveyance in the United States and the body is first removed from the conveyance in this state, the death shall be registered in this state, and the place where the body is first removed shall be considered the place of death.

(B) If a death occurs on a moving conveyance while in international waters or air space or in a foreign country or its air space and the body is first removed from the conveyance in this state, the death shall be registered in this state, but the certificate shall show the actual place of death insofar as the place of death can be determined.

(C) In all other cases, the place where death is pronounced shall be considered the place where death occurred.

(b) The funeral director or the person acting as the funeral director who first assumes custody of the dead body shall:

(1) File the death certificate and fact of death record;

(2) Obtain the personal data from the next of kin or the best qualified person or source available;

(3) Obtain the medical certification from the person responsible for the medical certification, as set forth in subsection (c) of this section; and

(4) Provide a death certificate that contains sufficient information to identify the decedent to the certifier.

(c) (1) (A) The medical certification shall be completed, signed, and returned to the funeral director within two (2) business days after receipt of the death certificate by the physician in charge of the patient's care for the illness or condition that resulted in death, except when inquiry is required by § 12-12-315, § 12-12-318, or § 14-15-301 et seq.

(B) In the absence of the physician or with his or her approval, the certificate may be completed and signed by his or her associate physician, by the chief medical officer of the institution in which death occurred, by the pathologist who performed an autopsy upon the decedent, or by a registered nurse as provided in this subsection (c), if the individual has access to the medical history of the case and has reviewed the **coroner's** report if required and if the death is due to natural causes. The individual completing the cause-of-death section of the certificate shall attest to its accuracy either by a signature or by approved electronic process.

(2) The Arkansas State Medical Board shall enforce by rule subdivision (c)(1) of this section concerning the time period in which the medical certification shall be executed.

(3) A registered nurse employed by the attending hospice may complete and sign the medical certification of death and pronounce death for a patient who is terminally ill, whose death is anticipated, who is receiving services from a hospice program certified under § 20-7-117, and who dies in a hospice inpatient program or as a hospice patient in a nursing home.

(4) If the hospice patient dies in the home, the registered nurse may make pronouncement of death. However, the **coroner** and the chief law enforcement official of the county or municipality where death occurred shall be immediately notified in accordance with § 12-12-315.

(5) The Department of Health shall provide hospitals, nursing homes, and hospices with the appropriate death certificate forms, which will be made available to the certifier of death. When death occurs outside these health facilities, the funeral home shall provide the death certificate to the certifier of death.

(d) If the cause of death appears to be other than the illness or condition for which the deceased was being treated or if inquiry is required by either of the laws referred to in subsection (c) of this section, the case shall be referred to the office of the State Medical Examiner or **coroner** in the jurisdiction where the death occurred or the body was found for investigation to determine and certify the cause of death. If the State Medical Examiner or county **coroner** determines that the case does not fall within his or her jurisdiction, he or she shall within twenty-four (24) hours refer the case back to the physician for completion of the medical certification.

(e) When inquiry is required by either of the laws referred to in subsection (c) of this section, the State Medical Examiner or **coroner** in the jurisdiction where the death occurred or the body was

found shall determine the cause of death and shall complete and sign the medical certification within forty-eight (48) hours after taking charge of the case.

(f) If the cause of death cannot be determined within forty-eight (48) hours after death, the medical certification shall be completed as provided by regulation. The attending physician or State Medical Examiner or county **coroner** shall give the funeral director or person acting as the funeral director notice of the reason for the delay, and final disposition of the body shall not be made until authorized by the attending physician or State Medical Examiner or county **coroner**.

(g) When a death is presumed to have occurred within this state but the body cannot be located, a death certificate may be prepared by the state registrar only upon receipt of an order of a court of competent jurisdiction, which shall include the finding of facts required to complete the death certificate. Such a death certificate shall be marked "Presumptive" and shall show on its face the date of death as determined by the court and the date of registration and shall identify the court and the date of the decree.

(h) Upon receipt of autopsy results or other information that would change the information in the cause-of-death section of the death certificate from that originally reported, the certifier shall immediately file a supplemental report of cause of death with the division in order to amend the record.

HISTORY: Acts 1981, No. 120, § 13; A.S.A. 1947, § 82-513; Acts 1989, No. 396, § 3; 1995, No. 311, § 1; 1995, No. 1254, § 25; 2007, No. 702, § 1; 2009, No. 1288, § 2.

20-18-603. Registration of termination of pregnancy.

(a) (1) (A) Each fetal death when the fetus weighs three hundred fifty grams (350 g) or more, or if weight is unknown, the fetus completed twenty (20) weeks' gestation or more, calculated from the date the last normal menstrual period began to the date of delivery, that occurs in this state shall be reported within five (5) days after delivery to the Division of Vital Records of the Division of Health of the Department of Health and Human Services or as otherwise directed by the State Registrar of Vital Records. All induced terminations of pregnancy shall be reported in the manner prescribed in subsection (b) of this section and shall not be reported as fetal deaths.

(B) When a dead fetus is delivered in an institution, the person in charge of the institution or his or her designated representative shall prepare and file the fetal death certificate.

(C) When a dead fetus is delivered outside an institution, the physician in attendance at or immediately after delivery shall prepare and file the fetal death certificate.

(D) When a fetal death required to be reported by this section occurs without medical attendance at or immediately after the delivery, or when inquiry is required by § 12-12-301 et seq. or § 14-15-301 et seq. or otherwise provided by law, the State Medical Examiner or **coroner** shall investigate the cause of fetal death and shall prepare and file the report within five (5) days.

(E) When a fetal death occurs in a moving conveyance and the fetus is first removed from the conveyance in this state or when a fetus is found in this state and the place of fetal death is unknown, the fetal death shall be reported in this state. The place where the fetus was first removed from the conveyance or the fetus was found shall be considered the place of fetal death.

(2) Spontaneous fetal deaths when the fetus has completed less than twenty (20) weeks of gestation and when the fetus weighs less than three hundred fifty grams (350 g) shall be reported as prescribed in subsection (b) of this section.

(b) Each induced termination of pregnancy which occurs in this state regardless of the length of gestation shall be reported to the Division of Vital Records within five (5) days by the person in charge of the institution in which the induced termination of pregnancy was performed. If the induced termination of pregnancy was performed outside an institution, the attending physician shall prepare and file the report.

(c) (1) The reports required under this subsection are statistical reports to be used only for medical and health purposes and shall not be incorporated into the permanent official records of the system of vital statistics. A schedule for the disposition of these reports shall be provided for by regulation.

(2) Reports required under this section shall not include the name or other personal

identification of the individual having an induced or spontaneous termination of pregnancy.

HISTORY: Acts 1981, No. 120, §§ 15, 16; 1983, No. 835, §§ 1, 2; A.S.A. 1947, §§ 82-515, 82-516; Acts 1995, No. 1254, § 27.

20-18-604. Final disposition of dead body or fetus.

- (a) The funeral director or the person acting as the funeral director who first assumes custody of a dead body shall obtain authorization for final disposition of the body as provided in the regulations.
- (b) Prior to final disposition of a dead fetus, irrespective of the duration of pregnancy, the funeral director, the person in charge of the institution, or other person assuming responsibility for final disposition of the fetus shall obtain from the parents authorization for final disposition on a form prescribed by the State Registrar of Vital Records.
- (c) With the consent of the physician or State Medical Examiner or county **coroner**, who is to certify the cause of death, a dead body may be moved from the place of death for the purpose of being prepared for final disposition.
- (d) An authorization for final disposition issued under the law of another state which accompanies a dead body or fetus brought into this state shall be authority for final disposition of the body or fetus in this state.
- (e) Authorization for disinterment and reinterment shall be required prior to disinterment of a dead body or fetus. The authorization shall be issued by the state registrar to a licensed funeral director or person acting as such upon proper application.

HISTORY: Acts 1981, No. 120, § 17; A.S.A. 1947, § 82-517; Acts 1989, No. 396, § 4; 1995, No. 1254, § 28.

20-27-1703. Arkansas Child Death Review Panel – Creation.

(a) The Arkansas Child Death Review Panel is created within the Arkansas Child Abuse/Rape/Domestic Violence Commission.

(b) The review panel shall consist of the following members:

- (1) A representative from the State Medical Examiner's Office;
- (2) A **coroner** who is registered with the American Board of Medicolegal Death Investigators, Inc;
- (3) A representative from the Center for Health Statistics of the Division of Health of the Department of Health and Human Services;
- (4) A representative from the Crimes Against Children Division of the Department of Arkansas State Police;
- (5) A representative from the Division of Children and Family Services of the Department of Health and Human Services;
- (6) A representative from the Arkansas Child Abuse/Rape/Domestic Violence Commission;
- (7) A physician who specializes in child abuse;
- (8) A representative from the College of Public Health of the University of Arkansas for Medical Sciences;
- (9) A representative from the office of the Prosecutor Coordinator; and
- (10) Any other individuals the review panel determines are necessary for a review.

HISTORY: Acts 2005, No. 1818, § 1.

20-27-1704. Duties.

The Arkansas Child Death Review Panel may:

- (1) Establish local and regional review panels and delegate some or all of its responsibilities under this subchapter;
- (2) Analyze data available from state agencies or other agencies that may decrease unexpected deaths of children;
- (3) Collect, review, and analyze all death investigation reports prepared under this subchapter and other appropriate information to prepare reports for the General Assembly concerning the causes of unexpected deaths of children and methods to decrease those deaths;
- (4) Identify trends relevant to unexpected deaths of children;
- (5) Educate the citizens of Arkansas regarding the incidence and causes of injury to and death of children and of the public's role to assist in reducing this risk;
- (6) Establish training criteria for county **coroners**; and
- (7) Determine the information to be included in a child death investigation report and provide this information to county **coroners**, medical providers, and other agencies to be used in preparing a death investigation report.

HISTORY: Acts 2005, No. 1818, § 1.

20-27-1705. Investigation.

(a) (1) A copy of a child death investigation report required under this subchapter, including information from law enforcement agencies, **coroners**, fire departments, or medical providers, or any other information relative to the death investigation shall be provided to the Arkansas Child Death Review Panel within thirty (30) days from the date the review panel requests the information.

(2) Subdivision (a)(1) of this section is not applicable to a death that is under criminal investigation or prosecution or has been adjudicated in a court of law.

(b) (1) The review panel or a local or regional review panel may access medical records and vital records in the custody of physicians, hospitals, clinics, other health care providers, and the Division of Health of the Department of Health and Human Services concerning the unexpected death of the child being investigated.

(2) The review panel may request any other information, documents, or records pertaining to the completed investigation of unexpected deaths of children.

(c) Nothing in this subchapter shall alter or restrict the authority or jurisdiction of a county **coroner**.

(d) When the review panel determines that a parent or guardian was treating a child according to the tenets and practices of a recognized religious method of treatment that has a reasonable proven record of success, the review panel is not required to make a finding of negligent treatment or maltreatment.

HISTORY: Acts 2005, No. 1818, § 1.

20-47-102. Officer's duty to make application to circuit court.

Whenever any sheriff, **coroner**, or constable shall discover any person to be of unsound mind who resides in the county, it shall be his or her duty to make application to the circuit court for the exercise of its jurisdiction, and thereupon the like proceedings shall be had as directed in § 20-47-103.

HISTORY: Rev. Stat., ch. 78, § 3; C. & M. Dig., § 5830; Pope's Dig., § 7547; A.S.A. 1947, § 59-104; Acts 2003, No. 1185, § 256.

21-2-101. Officers commissioned by Governor.

Each Justice of the Supreme Court, judge of a circuit court, presiding judge of a county court, the Secretary of State, the Auditor of State, prosecuting attorney, sheriff, **coroner**, clerk of a circuit court, county treasurer, county surveyor, notary public, justice of the peace, judge of a district court, mayor of a city or town, and militia officer elected or appointed in this state shall be commissioned by the Governor.

HISTORY: Rev. Stat., ch. 27, § 1; C. & M. Dig., § 1428; Pope's Dig., § 1675; Acts 1955, No. 24, § 1; A.S.A. 1947, § 12-201.

21-6-202. Secretary of State.

(a) The following fees shall be allowed for services performed by the Secretary of State and paid into the State Treasury in the same manner that all other fees are or shall be directed to be paid:

(1) For affixing the Great Seal of the State, or the Seal of the Secretary of State to any instrument \$ 5.00

(2) For every commission issued to a citizen of another state or apostilles 10.00

(3) For every commission issued to a state officer other than prosecuting attorneys 15.00

(4) For every commission issued to prosecuting attorneys 15.00

(5) For every commission issued to a sheriff, collector, clerk, county judge, treasurer, assessor, **coroner**, or surveyor 10.00

(6) For every commission issued to any other county officer or justice of the peace other than members of the General Assembly 5.00

(7) For all copies of records or other written or printed files in the office of the Secretary of State, and for recording, for every page80

(8) For all copies of maps, profiles, or other files of a similar nature, such fee as may be established by the Secretary of State, to be determined with reference to the amount of clerical labor and stationery required to make such copies, at the rate of not less than one dollar (\$1.00) per hour for the time employed in making the copies.

(b) All fees specified in this section shall be paid at the time the commission, certificate, instrument, or copy is delivered.

HISTORY: Acts 1875, No. 77, § 1, p. 167; 1881, No. 40, § 1, p. 73; C. & M. Dig., § 4568; Acts 1927, No. 197, § 1; Pope's Dig., § 5652; Acts 1957, No. 340, § 1; A.S.A. 1947, § 12-1701; Acts 1989, No. 285, § 1.

21-6-304. Coroners.

(a) (1) **Coroners** shall be allowed fees as follows:

(A) For viewing a dead body in case of inquisition of death \$ 7.50

(B) For summoning each witness50

(C) For each deposition duly taken and returned50

(D) For summoning and swearing jury, taking and returning inquisition 25.00

(E) For taking each recognizance 50

(F) For arresting any person whom, according to the inquisition or otherwise, he or she may be bound to arrest 1.00

(G) For going from his or her residence to the place of viewing a dead body and returning, each mile20

(H) For each mile traveled in arresting any person and committing such person20

(I) For each and every mile traveled in answering call wherein inquest is found not necessary, each mile05

(J) For each and every day for making the call and report to the circuit clerk where inquest is found not necessary 5.00

(2) Such fees, together with the fees of the jurors and witnesses, shall be paid out of the county treasury as other demands.

(b) For performing the duties of sheriff, the **coroner** shall be entitled to the same fees for the time being as are allowed to sheriffs for such services.

HISTORY: Acts 1875, No. 77, § 26, p. 167; 1875 (Adj. Sess.), No. 58, § 9, p. 103; C. & M. Dig., § 4593; Pope's Dig., § 5681; Acts 1945, No. 271, § 2; 1953, No. 178, § 1; 1959, No. 38, § 1; A.S.A. 1947, § 12-1727.

21-6-504. Limitation on fees in criminal cases.

(a) (1) In criminal cases where the costs are paid by the county, no sheriff, **coroner**, constable, or other person serving subpoenas for witnesses shall be allowed to receive from the county pay for making more than two (2) returns on subpoenas in any given case.

(2) In no case shall either of the officers or other person charge or receive pay or mileage in serving any writ, process, or subpoena in a criminal case for more than the actual number of miles traveled.

(b) No clerk or magistrate shall receive pay from any county for the issuance of more than two (2) subpoenas in a criminal case.

HISTORY: Acts 1875, No. 77, §§ 20, 33, p. 167; C. & M. Dig., §§ 4589, 4600; Pope's Dig., §§ 5677, 5689; A.S.A. 1947, §§ 12-1724, 12-1732.

21-12-403. Issuance of warrant to seize and deliver records.

If any person whose office has become vacant, or his or her executor or administrator shall fail to deliver any record, book, or paper to the person entitled to them, any judge of the Supreme Court or circuit court, upon the affidavit of any creditable person, setting forth the facts, may issue a warrant directed to some sheriff or **coroner**, commanding him or her to seize all the records, books, and papers appertaining to the office, and deliver them to the proper officer, who shall be named in the warrant.

HISTORY: Rev. Stat., ch. 121, § 4; C. & M. Dig., § 8335; Pope's Dig., § 10931; A.S.A. 1947, § 12-2004.

21-12-407. Remedy of person aggrieved by warrant.

(a) Any person aggrieved by a warrant issued under § 21-6-403 may apply to any judge of the Supreme Court or circuit court, who, upon the affidavit of the applicant that injustice has been done or is about to be done by such warrant, shall issue a citation to all persons interested, commanding them to appear before him or her at a time and place named in the citation, which shall be served by the sheriff or **coroner**.

(b) The judge issuing the citation shall have power to enforce obedience by attachment. The judge shall proceed in a summary manner, determine according to right and justice, and may issue his or her warrant for the restoration of any books, records, or papers found to have been improperly seized.

HISTORY: Rev. Stat., ch. 121, §§ 8, 9; C. & M. Dig., §§ 8339, 8340; Pope's Dig., §§ 10935, 10936; A.S.A. 1947, §§ 12-2008, 12-2009.

26-39-219. Judgment against delinquent officers and securities.

When any balance shall be found against any county clerk, county sheriff, county collector, county **coroner**, constable, or other officer for moneys accruing to the county treasury and it shall not be paid within the time prescribed by law, it shall be lawful for the county court, fifteen (15) days' notice being given to the delinquent officers and their securities, to render judgment against the delinquents and their securities for the amount of all moneys ascertained to be due the county and issue execution therefor.

HISTORY: Acts 1883, No. 114, § 202, p. 199; C. & M. Dig., § 10164; Pope's Dig., § 13946; A.S.A. 1947, § 84-1442.

27-53-204. Coroners to report deaths.

Every **coroner**, or other official performing like functions, on or before the tenth day of each month, shall report in writing to the Department of Arkansas State Police the death of any person within his or her jurisdiction during the preceding calendar month as the result of an accident involving a motor vehicle and the circumstances of the accident.

HISTORY: Acts 1937, No. 300, § 44; Pope's Dig., § 6702; A.S.A. 1947, § 75-909.

27-53-206. Approved forms to be used.

(a) (1) The Department of Arkansas State Police shall prepare and upon request supply to police departments, **coroners**, sheriffs, and other suitable agencies or individuals forms for accident reports required under this subchapter.

(2) (A) The reports shall call for sufficiently detailed information to disclose with reference to a traffic accident the cause, conditions then existing, and the persons and vehicles involved.

(B) Every accident report shall include provisions which inquire about whether or not the accident was caused as a result of the driver's lapse of consciousness, epileptic condition, or similar nervous disorder, or an episode of marked mental confusion or as a result of any physical disability, disease, or disorder or any other medical condition of the driver.

(b) Every required accident report shall be made on a form approved by the Department of Arkansas State Police.

(c) The motorcycle traffic accident report shall be made upon forms approved and supplied by the Department of Arkansas State Police, with the concurrence of the Arkansas State Highway and Transportation Department.

HISTORY: Acts 1937, No. 300, § 43; Pope's Dig., § 6701; A.S.A. 1947, § 75-908; Acts 1989, No. 489, § 2; 1995, No. 570, § 2.