

# PROPOSED AMENDMENT

## HB 1031 # 4

### DIGEST

Duties. Specifies the duties of the coroner.

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1           Page 1, between lines 13 and 14, begin a new paragraph and insert:  
2           "SECTION 3. IC 36-2-14-6, AS AMENDED BY P.L.186-2025,  
3           SECTION 254, IS AMENDED TO READ AS FOLLOWS  
4           [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) Whenever the coroner is  
5           notified that a person in the county:  
6                 (1) has died from violence;  
7                 (2) has died by casualty;  
8                 (3) has died when apparently in good health;  
9                 (4) has died in an apparently suspicious, unusual, or unnatural  
10                manner; or  
11                (5) has been found dead;  
12           the coroner shall, before the scene of the death is disturbed, notify a  
13           law enforcement agency having jurisdiction in that area. ~~The agency~~  
14           ~~shall assist the coroner in determining the cause, manner, and~~  
15           ~~mechanism of death. The coroner shall hold the human remains until~~  
16           ~~the investigation of how the person died and the medical investigation~~  
17           ~~of the cause of death are concluded.~~  
18           **(b) The law enforcement agency having jurisdiction shall, in**  
19           **cooperation with the coroner, secure, control, and process the**  
20           **scene of the death. The agency shall conduct the criminal**  
21           **investigation into the death, including but not limited to evidence**  
22           **collection, witness interviews, suspect identification, and case**  
23           **preparation.**  
24           **(c) The coroner has exclusive custody of the body and any**  
25           **property on the body not secured as evidence. The coroner shall**  
26           **coordinate the examination and removal of the body with the law**  
27           **enforcement agency to ensure preservation of evidence and the**  
28           **integrity of the scene.**

1           **(d) The coroner and the law enforcement agency shall cooperate**  
 2 **fully, share information, and conduct their respective duties as part**  
 3 **of a single coordinated death investigation.**

4           ~~(b)~~ **(e)** If the coroner reasonably suspects the cause of the person's  
 5 death to be accidental or intentional overdose of a controlled substance  
 6 (as defined by IC 35-48-1.1-7), the coroner shall do the following:

7           (1) Obtain any relevant information about the decedent  
 8 maintained by the INSPECT program established by  
 9 IC 25-1-13-4.

10          (2) Extract one (1) or more of the following bodily fluids from the  
 11 decedent:

12           (A) Blood.

13           (B) Vitreous.

14           (C) Urine.

15          (3) Test a bodily fluid extracted under subdivision (2) to  
 16 determine whether the bodily fluid contained any amount,  
 17 including a trace amount, of a controlled substance at the time of  
 18 the decedent's death.

19          (4) If the coroner reasonably suspects the cause of the person's  
 20 death to be accidental or intentional overdose of an opioid (as  
 21 defined in IC 35-48-1.1-31) or if the person was administered an  
 22 overdose intervention drug (as defined in IC 16-18-2-263.9) prior  
 23 to death and was unresponsive to the overdose intervention drug,  
 24 the coroner shall test a bodily fluid extracted under subdivision  
 25 (2) to determine whether the bodily fluid contained any amount,  
 26 including a trace amount, of xylazine at the time of the decedent's  
 27 death.

28          (5) Report the results of the test conducted under this subsection  
 29 to the Indiana department of health after completing the medical  
 30 investigation of the cause of the decedent's death.

31          (6) Provide the Indiana department of health notice of the  
 32 decedent's death, including any information related to the  
 33 controlled substances involved, if any.

34         ~~(c)~~ **(f)** The coroner:

35           (1) shall file a certificate of death with the county health  
 36 department, or, if applicable, a multiple county health department,  
 37 of the county in which the individual died, within seventy-two  
 38 (72) hours after the completion of the death investigation;

39           (2) shall complete the certificate of death utilizing all verifiable  
 40 information establishing the time and date of death; and

1 (3) may file a pending investigation certificate of death before  
2 completing the certificate of death, if necessary.

3 ~~(d)~~ (g) If this section applies, the body and the scene of death may  
4 not be disturbed until:

5 (1) the coroner has photographed them in the manner that most  
6 fully discloses how the person died; and

7 (2) law enforcement and the coroner have finished their initial  
8 assessment of the scene of death.

9 However, a coroner or law enforcement officer may order a body to be  
10 moved before photographs are taken if the position or location of the  
11 body unduly interferes with activities carried on where the body is  
12 found, but the body may not be moved from the immediate area and  
13 must be moved without substantially destroying or altering the  
14 evidence present.

15 ~~(e)~~ (h) When acting under this section, if the coroner considers it  
16 necessary to have an autopsy performed, is required to perform an  
17 autopsy under subsection ~~(g)~~; (j), or is requested by the prosecuting  
18 attorney of the county to perform an autopsy, the coroner shall arrange  
19 for the autopsy to be performed by a:

20 (1) physician who:

21 (A) is certified by the American Board of Pathology; or

22 (B) holds a subspecialty board certification in forensic  
23 pathology from the American Osteopathic Board of Pathology  
24 and the American Osteopathic Association; or

25 (2) pathology resident acting under the direct supervision of a  
26 physician described in subdivision (1).

27 A physician employed under subdivision (1) to perform the autopsy  
28 shall be paid a fee of at least fifty dollars (\$50) from the county  
29 treasury.

30 ~~(f)~~ (i) If:

31 (1) at the request of:

32 (A) the decedent's spouse;

33 (B) a child of the decedent, if the decedent does not have a  
34 spouse;

35 (C) a parent of the decedent, if the decedent does not have a  
36 spouse or children;

37 (D) a brother or sister of the decedent, if the decedent does not  
38 have a spouse, children, or parents; or

39 (E) a grandparent of the decedent, if the decedent does not  
40 have a spouse, children, parents, brothers, or sisters;

1 (2) in any death, two (2) or more witnesses who corroborate the  
2 circumstances surrounding death are present; and

3 (3) two (2) physicians who are licensed to practice medicine in  
4 the state and who have made separate examinations of the  
5 decedent certify the same cause of death in an affidavit within  
6 twenty-four (24) hours after death;

7 an autopsy need not be performed. The affidavits shall be filed with the  
8 circuit court clerk.

9 ~~(g)~~ **(j)** A county coroner may not certify the cause of death in the  
10 case of the sudden and unexpected death of a child who is less than  
11 three (3) years old unless an autopsy is performed at county expense.  
12 However, a coroner may certify the cause of death of a child described  
13 in this subsection without the performance of an autopsy if subsection  
14 ~~(f)~~ **(i)** applies to the death of the child.

15 ~~(h)~~ **(k)** After consultation with the law enforcement agency  
16 investigating the death of a decedent, the coroner shall do the  
17 following:

18 (1) Inform a crematory authority if a person is barred under  
19 IC 23-14-31-26(c) from serving as the authorizing agent with  
20 respect to the cremation of the decedent's body because the  
21 coroner made the determination under IC 23-14-31-26(c)(2) in  
22 connection with the death of the decedent.

23 (2) Inform a cemetery owner if a person is barred under  
24 IC 23-14-55-2(c) from authorizing the disposition of the body or  
25 cremated remains of the decedent because the coroner made the  
26 determination under IC 23-14-55-2(c)(2) in connection with the  
27 death of the decedent.

28 (3) Inform a seller of prepaid services or merchandise if a person's  
29 contract is unenforceable under IC 30-2-13-23(b) because the  
30 coroner made the determination under IC 30-2-13-23(b)(4) in  
31 connection with the death of the decedent.

32 SECTION 4. IC 36-2-14-7, AS AMENDED BY P.L.127-2017,  
33 SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
34 JULY 1, 2026]: Sec. 7. ~~(a) At an investigation under this chapter, the  
35 coroner shall examine persons wanting to testify and may examine  
36 persons the coroner has summoned by the coroner's subpoena.  
37 Witnesses shall answer under oath all questions concerning the death  
38 under investigation.~~

39 ~~(b)~~ If a physician is required to attend an investigation and make a  
40 post mortem examination, the coroner shall certify this service to the

1 county executive, which shall order payment for the physician from the  
2 county treasury.

3 SECTION 5. IC 36-2-14-8 IS REPEALED [EFFECTIVE JULY 1,  
4 2026]. ~~Sec. 8: A witness testifying before a county coroner is entitled~~  
5 ~~to the same fees as a witness testifying in the circuit court for the~~  
6 ~~county.~~

7 SECTION 6. IC 36-2-14-9 IS REPEALED [EFFECTIVE JULY 1,  
8 2026]. ~~Sec. 9: The testimony of each witness at a coroner's~~  
9 ~~investigation shall be reduced to writing and signed by the witness. The~~  
10 ~~coroner shall, by recognizance in a reasonable sum, bind any witness~~  
11 ~~whose testimony relates to the trial of a person concerned in the death~~  
12 ~~to give evidence in court and shall send the written evidence and~~  
13 ~~recognizance of the witness to the court. The coroner shall commit to~~  
14 ~~the county jail a witness who refuses to enter into the recognizance~~  
15 ~~required by this section.~~

16 SECTION 7. IC 36-2-14-10, AS AMENDED BY P.L.127-2017,  
17 SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
18 JULY 1, 2026]: Sec. 10. (a) ~~After viewing the body, hearing the~~  
19 ~~considering all the evidence relating to the death, and making all~~  
20 ~~necessary inquiries,~~ the coroner shall **determine the cause, manner,**  
21 **and mechanism of death and** draw up and sign the coroner's verdict  
22 on the death under consideration. The coroner shall also make a written  
23 report giving an accurate description of the deceased person, the  
24 deceased person's name if it can be determined, and the amount of  
25 money and other property found with the body. The verdict and the  
26 written report are subject to inspection and copying under IC 5-14-3-3.

27 (b) Except as provided in subsections (c), (d), and (e), a photograph,  
28 video recording, or audio recording of an autopsy in the custody of a  
29 medical examiner is declared confidential for purposes of  
30 IC 5-14-3-4(a)(1).

31 (c) A surviving spouse may:

32 (1) view and copy a photograph or video recording; and

33 (2) listen to and copy an audio recording;

34 of the deceased spouse's autopsy. If there is no surviving spouse, the  
35 surviving parents shall have access to the records under this section. If  
36 there is no surviving spouse or parent, an adult child shall have access  
37 to the records.

38 (d) Upon making a written request, a unit (as defined in  
39 IC 36-1-2-23), the state, an agency of the state, the federal government,  
40 or an agency of the federal government, while in performance of their

1 official duty, may:

- 2 (1) view and copy a photograph or video recording; and  
 3 (2) listen to and copy an audio recording;

4 of an autopsy. Unless otherwise required in the performance of official  
 5 duties, the identity of the deceased must remain confidential.

6 (e) The coroner or the coroner's designee having custody of a  
 7 photograph, a video recording, or an audio recording of an autopsy may  
 8 use or allow the use of the photograph, video recording, or audio  
 9 recording of the autopsy for case consultation with a pathologist or  
 10 forensic scientist. The coroner or the coroner's designee having custody  
 11 of a photograph, a video recording, or an audio recording of an autopsy  
 12 may also use or allow the use of the photograph, video recording, or  
 13 audio recording for training or educational purposes (as defined in  
 14 IC 16-39-7.1-1.5) if all information that identifies the individual on  
 15 whom the autopsy was performed is masked or removed from the  
 16 photograph, video recording, or audio recording. For purposes of this  
 17 subsection, information that identifies an individual consists of:

- 18 (1) the name;  
 19 (2) the address;  
 20 (3) the Social Security number;  
 21 (4) a full view of the face; or  
 22 (5) identifying marks on the body that are unrelated to the medical  
 23 condition or medical status;

24 of the deceased individual. A coroner or coroner's designee who allows  
 25 the use of autopsy information under this subsection has a duty to  
 26 disclose to each person to whom the coroner or coroner's designee  
 27 releases it that the information is confidential and may not be used for  
 28 a purpose other than the purpose for which it was originally released.  
 29 Information disclosed under this subsection is confidential. A coroner  
 30 or coroner's designee who fails to disclose the confidentiality  
 31 restrictions of this information commits a Class A misdemeanor.

32 (f) Except as provided in subsection (e), the coroner or the coroner's  
 33 designee having custody of a photograph, a video, or an audio  
 34 recording of an autopsy may not permit a person to:

- 35 (1) view or copy the photograph or video recording; and  
 36 (2) listen to or copy the audio recording;

37 of an autopsy without a court order.

38 (g) A court, upon a showing of good cause, may issue an order  
 39 authorizing a person to:

- 40 (1) view or copy a photograph or video recording; and

1 (2) listen to or copy an audio recording;  
2 of an autopsy, and may prescribe any restrictions or stipulations that the  
3 court considers appropriate.

4 (h) In determining good cause under subsection (g), the court shall  
5 consider:

6 (1) whether the disclosure is necessary for the public evaluation  
7 of governmental performance;

8 (2) the seriousness of the intrusion into the family's right to  
9 privacy;

10 (3) whether the disclosure of the photograph, video recording, or  
11 audio recording is by the least intrusive means available; and

12 (4) the availability of similar information in other public records,  
13 regardless of form.

14 (i) In all cases, the viewing, copying, listening to, or other handling  
15 of a photograph, video recording, or audio recording of an autopsy  
16 must be under the direct supervision of the coroner, or the coroner's  
17 designee, who is the custodian of the record.

18 (j) A surviving spouse shall be given:

19 (1) reasonable notice of the petition filed with the court to view or  
20 copy a photograph or video recording of an autopsy or a petition  
21 to listen to or copy an audio recording;

22 (2) a copy of the petition filed with the court to view or copy a  
23 photograph or video recording of an autopsy or a petition to listen  
24 to or copy an audio recording; and

25 (3) reasonable notice of the opportunity to be present and heard  
26 at any hearing on the matter.

27 (k) If there is no surviving spouse, the notice under subsection (j)  
28 must be given to the deceased's parents, and if the deceased has no  
29 living parent, the notice must be given to the adult children of the  
30 deceased.

31 (l) A coroner or coroner's designee who:

32 (1) is the custodian of a photograph, a video recording, or an  
33 audio recording of an autopsy; and

34 (2) knowingly or intentionally violates this section;  
35 commits a Class A misdemeanor.

36 (m) A person who knowingly or intentionally violates a court order  
37 issued under this section commits a Class A misdemeanor.

38 (n) A person who:

39 (1) receives autopsy information under subsection (e); and

40 (2) knowingly or intentionally uses the information in a manner

1 other than the specified purpose for which it was released;  
2 commits a Class A misdemeanor.

3 SECTION 8. IC 36-2-14-19, AS AMENDED BY P.L.193-2018,  
4 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2026]: Sec. 19. (a) As used in this section, "cornea" includes  
6 corneal tissue.

7 (b) As used in this section, "decedent" means a person described in  
8 section 6(a)(1) through 6(a)(5) of this chapter.

9 (c) As used in this section, "eye bank" means a nonprofit  
10 corporation:

11 (1) organized under Indiana law;

12 (2) exempt from federal income taxation under Section 501 of the  
13 Internal Revenue Code; and

14 (3) whose purposes include obtaining, storing, and distributing  
15 corneas that are to be used for corneal transplants or for other  
16 medical or medical research purposes.

17 (d) If under ~~section 6(e)~~ **section 6** of this chapter the coroner  
18 requires an autopsy to be performed upon a decedent, the coroner may  
19 authorize the removal of one (1) or both of the decedent's corneas for  
20 donation to an eye bank for transplantation, if the following conditions  
21 exist:

22 (1) The decedent's corneas are not necessary for successful  
23 completion of the autopsy.

24 (2) The decedent's corneas are not necessary for use as evidence.

25 (3) Removal of the decedent's corneas will not alter the  
26 postmortem facial appearance of the decedent.

27 (4) A representative of the eye bank, authorized by the trustees of  
28 the eye bank to make requests for corneas, has done the  
29 following:

30 (A) Within six (6) hours after the time of death, made a  
31 reasonable attempt to:

32 (i) contact any of the persons listed in the order of priority  
33 specified in IC 29-2-16.1-8; and

34 (ii) inform the person of the effect of the removal of the  
35 decedent's corneas on the physical appearance of the  
36 decedent.

37 (B) Submitted to the coroner:

38 (i) a written request for the donation by the coroner of  
39 corneas of the decedent subject to autopsy under ~~section 6(e)~~  
40 **section 6** of this chapter; and

1 (ii) a written certification that corneas donated under this  
2 section are intended to be used only for cornea transplant.

3 (5) The removal of the corneas and their donation to the eye bank  
4 will not alter a gift made by:

5 (A) the decedent when alive; or

6 (B) any of the persons listed in the order of priority specified  
7 in IC 29-2-16.1-8;

8 to an agency or organization other than the eye bank making the  
9 request for the donation.

10 (6) The coroner, at the time the removal and donation of a  
11 decedent's corneas is authorized, does not know of any objection  
12 to the removal and donation of the decedent's corneas made by:

13 (A) the decedent, as evidenced in a written document executed  
14 by the decedent when alive; or

15 (B) any of the persons listed in the order of priority specified  
16 in IC 29-2-16.1-8.

17 (e) A person, including a coroner and an eye bank and the eye  
18 bank's representatives, who exercises reasonable care in complying  
19 with subsection (d)(6) is immune from civil liability arising from  
20 cornea removal and donation allowed under this section.

21 (f) A person who authorizes the donation of a decedent's corneas  
22 may not be charged for the costs related to the donation. The recipient  
23 of the donation is responsible for the costs related to the donation.

24 SECTION 9. IC 36-2-14-20, AS AMENDED BY P.L.225-2025,  
25 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
26 JULY 1, 2026]: Sec. 20. (a) This section applies only to the autopsy of  
27 a person whose death is:

28 (1) natural;

29 (2) suspicious;

30 (3) violent;

31 (4) accidental; or

32 (5) from an overdose.

33 (b) As used in this section, "autopsy" means the external and  
34 surgical internal examination of all body systems of a decedent,  
35 including toxicology and histology.

36 (c) Except as provided in subsection (e) and IC 4-24-4-1, if an  
37 Indiana resident dies in an Indiana county as a result of an incident that  
38 occurred in another Indiana county, the county coroner where the death  
39 occurred shall contact the coroner of the county where the incident  
40 occurred to discuss whether an autopsy is needed. The coroner where

1 the incident occurred must respond to the coroner where the death  
 2 occurred not more than twenty-four (24) hours after being contacted to  
 3 discuss the need for an autopsy. If, after discussion, the coroners:

4 (1) agree that an autopsy is needed:

5 (A) the coroner of the county in which the incident occurred  
 6 is responsible for the cost of the autopsy, including the  
 7 physician fee under ~~section 6(e)~~ **section 6** of this chapter; and

8 (B) the coroner of the county where the death occurred shall  
 9 bill the county in which the incident occurred for the costs in  
 10 clause (A) not later than one hundred eighty (180) days after  
 11 the death occurred; or

12 (2) disagree that an autopsy is needed, the coroner of the county  
 13 that conducts the autopsy is responsible for the cost of the  
 14 autopsy, including the physician fee under ~~section 6(e)~~ **section 6**  
 15 of this chapter except in the instance of a criminal case that could  
 16 result in criminal charges in which the county where the incident  
 17 occurred is responsible for the cost of the autopsy, including the  
 18 physician fee under ~~section 6(e)~~ **section 6** of this chapter.

19 (d) If the coroner where the incident occurred fails to respond to the  
 20 coroner where the death occurred not more than twenty-four (24) hours  
 21 after being contacted under subsection (c) to discuss whether an  
 22 autopsy is needed:

23 (1) the coroner where the death occurred may perform an autopsy,  
 24 if the coroner believes that an autopsy is warranted;

25 (2) the coroner of the county in which the incident occurred is  
 26 responsible for the cost of the autopsy, including the physician fee  
 27 under ~~section 6(e)~~ **section 6** of this chapter; and

28 (3) the coroner of the county where the death occurred shall bill  
 29 the county in which the incident occurred for the costs in  
 30 subdivision (2) not later than one hundred eighty (180) days after  
 31 the death occurred.

32 (e) Except as provided in subsections (c) and (d) and IC 4-24-4-1,  
 33 payment for the costs of an autopsy requested by a party other than the:

34 (1) prosecuting attorney; or

35 (2) county coroner;

36 of the county in which the individual died must be made by the party  
 37 requesting the autopsy.

38 (f) This section does not preclude the coroner of a county in which  
 39 a death occurs from attempting to recover autopsy costs from the  
 40 jurisdiction outside Indiana where the incident that caused the death

- 1 occurred."
- 2 Renumber all SECTIONS consecutively.  
(Reference is to HB 1031 as printed January 6, 2026.)