

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 5.
POLICE, FIREFIGHTERS, MEDICAL
EXAMINER, AND FORENSIC SCIENCES.

CHAPTER 14.
CHIEF MEDICAL EXAMINER.

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DISTRICT OF COLUMBIA OFFICIAL CODE
CHAPTER 14. CHIEF MEDICAL EXAMINER.

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CHAPTER 14. CHIEF MEDICAL EXAMINER.

§ 5-1401. DEFINITIONS.

For the purposes of this chapter, the term:

- (1) "District" means the District of Columbia.
- (2) "Legal custody" includes imprisonment, jail, or detention.
- (3) "Ward" means any person in the official custody of the District government, on a temporary or permanent basis, because of neglect, abuse, mental illness or intellectual disability.

(Oct. 19, 2000, D.C. Law 13-172, § 2902, 47 DCR 6308; Sept. 26, 2012, D.C. Law 19-169, § 13, 59 DCR 5567.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 19-169, in par. (3), substituted "intellectual disability" for "mental retardation".

Emergency Act Amendments

For temporary (90 day) addition of applicability provision, see § 2920 of the Fiscal Year 2001 Budget Support Congressional Review Emergency Act of 2000 (D.C. Act 13-438, October 20, 2000, 47 DCR 8740).

For temporary (90 day) addition of section, see § 2902 of the Fiscal Year 2001 Budget Support Congressional Review Emergency Act of 2000 (D.C. Act 13-438, October 20, 2000, 47 DCR 8740).

Legislative History of Laws

Law 13-172, the "Fiscal Year 2001 Budget Support Act of 2000," was introduced in Council and assigned Bill No. 13-679, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 18, 2000, and June 6, 2000, respectively. Signed by the Mayor on June 26, 2000, it was assigned Act No. 13-375 and transmitted to both Houses of Congress for its review. D.C. Law 13-172 became effective on October 19, 2000.

For history of Law 19-169, see notes under § 4-114.

Miscellaneous Notes

Autopsies of Deceased Clients of the Mental Retardation and Developmental Disability Administration, see Mayor's Order 2004-76, May 13, 2004 (51 DCR 5278).

Autopsies of Deceased Consumers of the Mental Retardation and Developmental Disabilities Administration, see Mayor's Order 2006-123, September 28, 2006 (53 DCR 9314).

§ 5-1402. ESTABLISHMENT OF THE OFFICE OF THE CHIEF MEDICAL EXAMINER; APPOINTMENTS, QUALIFICATIONS, AND COMPENSATION.

(a) There is established as a subordinate agency in the executive branch of the government of the District of Columbia, the Office of the Chief Medical Examiner ("OCME").

(b) The Mayor shall nominate, with the advice and consent of the Council, a person to serve as the Chief Medical Examiner ("CME") within the OCME pursuant to § 1-523.01(a). The CME shall be responsible for the management and operation of the OCME. The CME shall appoint a Deputy CME and any other medical examiners the CME finds necessary to carry out the duties of the OCME.

(c)(1) The CME, the Deputy CME, and any medical examiners appointed pursuant to subsection (b) of this section shall be physicians licensed to practice medicine in the District of Columbia.

(2) Except as provided in paragraph (3) of this subsection, the CME, the Deputy CME, and any medical examiners appointed after October 19, 2000, shall be certified in forensic pathology by the American Board of Pathology or be eligible for such certification.

(3) The certification requirement of paragraph (2) of this subsection may be waived by the Mayor for the CME appointed to fill the term beginning on May 1, 2007, and ending on April 30, 2013.

(d) The Mayor shall fix the compensation of the CME pursuant to subchapter X-A of Chapter 6 of Title 1. The Mayor shall fix the compensation of all medical examiners appointed by the CME pursuant to this section.

(e) The CME shall be appointed for a 6-year term.

(f) If a vacancy in the position of Chief Medical Examiner occurs as a consequence of resignation, disability, death, or a reason other than the expiration of the term of the Chief Medical Examiner, the Mayor shall appoint a replacement to fill the unexpired term in the same manner provided in § 1-523.01(a). A person appointed to fill the unexpired term shall serve only for the remainder of the term.

(Oct. 19, 2000, D.C. Law 13-172, § 2903, 47 DCR 6308; Apr. 12, 2005, D.C. Law 15-339, § 2, 52 DCR 2283; Mar. 20, 2008, D.C. Law 17-115, § 2, 55 DCR 1278; Dec. 10, 2009, D.C. Law 18-88, § 203, 56 DCR 7413.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 11-2301.

Effect of Amendments

D.C. Law 15-339 rewrote subsec. (c); and added subsec. (f). Prior to amendment, subsec. (c) read as follows:

"(c) The CME, the Deputy CME, and any medical examiners appointed pursuant to subsection (b) of this section shall be physicians licensed to practice medicine in the District of Columbia. The CME, the Deputy CME, and any medical examiners appointed after the effective date of this chapter shall be certified in forensic pathology by the American Board of Pathology or be eligible for such certification."

D.C. Law 17-115 rewrote subsec. (c) which had read as follows:

"(c) The CME, the Deputy CME, and any medical examiners appointed pursuant to subsection (b) of this section shall be physicians licensed to practice medicine in the District of Columbia. The CME, the Deputy CME, and any medical examiners appointed after October 19, 2000, shall be certified in forensic pathology by the American Board of Pathology or be eligible for such certification, except that the Mayor may waive the certification requirement for any individual appointed as CME to fill the unexpired term ending on April 30, 2007."

D.C. Law 18-88 rewrote subsec. (c)(3), which had read as follows:

"(3) The certification requirement of paragraph (2) of this subsection may be waived by the Mayor until October 1, 2008 for the CME. Any individual appointed as the CME to fill the term beginning on May 1, 2007, and ending on April 30, 2013, pursuant to this waiver shall not be eligible to serve as CME after October 1, 2008, and shall not be eligible to serve in a holdover status after October 1, 2008, unless he or she meets the certification requirement."

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2 of Appointment of the Chief Medical Examiner Temporary Amendment Act of 2007 (D.C. Law 17-70, January 23, 2008, law notification 55 DCR 1450).

Section 2 of D.C. Law 17-335 amended subsec. (c)(3) to read as follows:

"(3) The certification requirement of paragraph (2) of this subsection may be waived by the Mayor for the CME appointed to fill the term beginning on May 1, 2007 and ending on April 30, 2013."

Section 4(b) of D.C. Law 17-335 provides that the act shall expire after 225 days of its having taken effect.

Emergency Act Amendments

For temporary (90 day) addition of section, see § 2903 of the Fiscal Year 2001 Budget Support Congressional Review Emergency Act of 2000 (D.C. Act 13-438, October 20, 2000, 47 DCR 8740).

For temporary (90 day) amendment of section, see § 2 of Appointment of the Chief Medical Examiner Emergency Amendment Act of 2004 (D.C. Act 15-643, December 20, 2004, 51 DCR 11833).

For temporary (90 day) amendment of section, see § 2 of Appointment of the Chief Medical Examiner Emergency Amendment Act of 2007 (D.C. Act 17-136, October 17, 2007, 54 DCR 10725).

For temporary (90 day) amendment of section, see § 2 of Appointment of the Chief Medical Examiner Congressional Review Emergency Amendment Act of 2007 (D.C. Act 17-253, January 23, 2008, 55 DCR 1266).

For temporary (90 day) amendment of section, see § 2 of Appointment of the Chief Medical Examiner Emergency Amendment Act of 2008 (D.C. Act 17-600, December 12, 2008, 56 DCR 7).

For temporary (90 day) amendment of section, see § 2 of Appointment of the Chief Medical Examiner Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-4, January 23, 2009, 56 DCR 1627).

For temporary (90 day) amendment of section, see § 203 of Omnibus Public Safety and Justice Emergency Amendment Act of 2009 (D.C. Act 18-181, August 6, 2009, 56 DCR 6903).

For temporary (90 day) amendment of section, see § 203 of Omnibus Public Safety and Justice Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18- 227, October 21, 2009, 56 DCR 8668).

Legislative History of Laws

For Law 13-172, see notes following § 5-1401.

Law 15-339, the "Appointment of the Chief Medical Examiner Amendment Act of 2004", was introduced in Council and assigned Bill No. 15-1084 which was referred to the Committee on Judiciary. The Bill was adopted on first and second readings on November 9, 2004, and December 7, 2004, respectively. Signed by the Mayor on January 19, 2005, it was assigned Act No. 15-754 and transmitted to both Houses of Congress for its review. D.C. Law 15-339 became effective on April 12, 2005.

Law 17-115, the "Appointment of the Chief Medical Examiner Amendment Act of 2008", was introduced in Council and assigned Bill No. 17-351 which was referred to the Committee on Public Safety and Judiciary. The Bill was adopted on first and second readings on December 11, 2007, and January 8, 2008, respectively. Signed by the Mayor on January 23, 2008, it was assigned Act No. 17-258 and transmitted to both Houses of Congress for its review. D.C. Law 17- 115 became effective on March 20, 2008.

Law 18-88, the "Omnibus Public Safety and Justice Amendment Act of 2009", as introduced in Council and assigned Bill No. 18-151, which was referred to the Committee on Public Safety and the Judiciary. The bill as adopted on first and second readings on June 30, 2009, and July 31, 2009, respectively. Signed by the Mayor on August 26, 2009, it was assigned Act No. 18-189 and transmitted to both Houses of Congress for its review. D.C. Law 18-88 became effective on December 10, 2009.

§ 5-1403. SUPPORTING SERVICES AND FACILITIES.

(a) The CME shall appoint such qualified professional, investigative, technical and clerical personnel as the OCME may require, including administrators, medicolegal investigators, and a General Counsel. The General Counsel shall be appointed pursuant to subchapter VIII-B of Chapter 6 of Title 1.

(b) The Mayor shall provide such facilities and equipment, as the OCME shall require. The Chief Medical Examiner may arrange or contract for such services, equipment and facilities as deemed necessary to carry out the duties and responsibilities of the OCME, pursuant to Chapter 3 of Title 2.

(Oct. 19, 2000, D.C. Law 13-172, § 2904, 47 DCR 6308.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 11-2302.

Emergency Act Amendments

For temporary (90 day) addition of section, see § 2904 of the Fiscal Year 2001 Budget Support Congressional Review Emergency Act of 2000 (D.C. Act 13-438, October 20, 2000, 47 DCR 8740).

Legislative History of Laws

For Law 13-172, see notes following § 5-1401.

§ 5-1404. FORMER DUTIES OF CORONER; OATHS; TEACHING; OTHER DUTIES.

(a) The CME shall be responsible for all the medical functions formerly performed by the coroner in the District of Columbia consistent with the provisions of this chapter. The CME and such other medical examiners as may be appointed may administer oaths and affirmations and take affidavits in connection with the performance of their duties.

(b) The CME, other medical examiners, medicolegal investigators and toxicologists as he or she may appoint, may be authorized by the CME to teach medical and law school classes, to conduct special classes for law enforcement personnel and to engage in other activities related to their work.

(c) The CME shall inform the Registrar of Vital Records of all deaths of children 18 years of age or younger as soon as practicable, but in any event within 5 business days.

(d) The CME, or his or her designee, shall attend all reviews of child deaths by the Child Fatality Review Committee. The CME shall coordinate with the Child Fatality Review Committee in its investigations of child deaths.

(Oct. 19, 2000, D.C. Law 13-172, § 2905, 47 DCR 6308; Oct. 3, 2001, D.C. Law 14-28, § 4619(a), 48 DCR 6981.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 11-2303.

Effect of Amendments

D.C. Law 14-28 added subsecs. (c) and (d).

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 19(a) of Child Fatality Review Committee Establishment Temporary Act of 2001 (D.C. Law 14-20, September 6, 2001, law notification 48 DCR 9090).

Emergency Act Amendments

For temporary (90 day) addition of section, see § 2905 of the Fiscal Year 2001 Budget Support Congressional Review Emergency Act of 2000 (D.C. Act 13-438, October 20, 2000, 47 DCR 8740).

For temporary (90 day) amendment of section, see § 19(a) of Child Fatality Review Committee Establishment Emergency Act of 2001 (D.C. Act 14-40, April 25, 2001, 48 DCR 5917).

For temporary (90 day) amendment of section, see § 19(a) of Child Fatality Review Committee Establishment Legislative Review Emergency Act of 2001 (D.C. Act 14-82, July 9, 2001, 48 DCR 6355).

Legislative History of Laws

For Law 13-172, see notes following § 5-1401.

For Law 14-28, see notes following § 5-409.01.

§ 5-1405. DEATHS--DETERMINATIONS AND INVESTIGATIONS; CREMATIONS.

(a) The CME, other medical examiners, and medicolegal investigators (physician assistants or advanced practice registered nurses) licensed under subchapter V of Chapter 12 of Title 3, are authorized to make determinations of death.

(b) Pursuant to regulations established by the Mayor, the following types of human deaths occurring in the District of Columbia shall be investigated by the OCME:

- (1) Violent deaths, whether apparently homicidal, suicidal or accidental including deaths due to thermal, chemical, electrical or radiation injury and deaths due to criminal abortion, whether apparently self-induced or not;
- (2) Sudden, unexpected or unexplained deaths not caused by readily recognizable disease, including sudden infant deaths or apparent sudden infant death syndrome (SIDS) for infants one year of age and younger;
- (3) Deaths under suspicious circumstances;
- (4) Deaths of persons whose bodies are to be cremated, dissected, buried at sea or otherwise disposed of so as to be thereafter unavailable for examination;
- (5) Deaths related to disease resulting from employment or on-the-job injury or illness;
- (6) Deaths related to disease which might constitute a threat to public health;
- (7) Deaths of persons who are wards of the District of Columbia government;
- (8) Deaths related to medical or surgical intervention, including operative, peri-operative, anesthesia, medication reactions or deaths associated with diagnostic or therapeutic procedures;
- (9) Deaths of persons while in legal custody of the District;
- (10) Fetal deaths related to maternal trauma including substance abuse, and extra-mural deliveries;
- (11) Deaths for which the Metropolitan Police Department, or other law enforcement agency, or the United States Attorney's Office requests, or a court orders investigation; and
- (12) Dead bodies brought within the District of Columbia without proper medical certification.

(c) Clearances by the CME shall be required for all deaths occurring in the District of Columbia for which

cremations are requested regardless of where the cremation will occur.

(d) The Mayor shall, by regulation, prescribe procedures for taking possession of a dead body following a death subject to investigation under subsection (b) of this section and for obtaining all essential facts concerning the medical causes of death and the names and addresses of as many witnesses as it is practicable to obtain.

(Oct. 19, 2000, D.C. Law 13-172, § 2906, 47 DCR 6308; Oct. 3, 2001, D.C. Law 14-28, § 4619(b), 48 DCR 6981.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 11-2304.

Effect of Amendments

D.C. Law 14-28, in subsec. (b)(2), inserted "for infants one year of age and younger" before the semicolon.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 19(b) of Child Fatality Review Committee Establishment Temporary Act of 2001 (D.C. Law 14-20, September 6, 2001, law notification 48 DCR 9090).

Emergency Act Amendments

For temporary (90 day) addition of section, see § 2906 of the Fiscal Year 2001 Budget Support Congressional Review Emergency Act of 2000 (D.C. Act 13-438, October 20, 2000, 47 DCR 8740).

For temporary (90 day) amendment of section, see § 19(b) of Child Fatality Review Committee Establishment Emergency Act of 2001 (D.C. Act 14-40, April 25, 2001, 48 DCR 5917).

For temporary (90 day) amendment of section, see § 19(b) of Child Fatality Review Committee Establishment Legislative Review Emergency Act of 2001 (D.C. Act 14-82, July 9, 2001, 48 DCR 6355).

Legislative History of Laws

For Law 13-172, see notes following § 5-1401.

For Law 14-28, see notes following § 5-409.01.

Delegation of Authority

Delegation of Authority Pursuant to Title XXIX of D.C. Law 13-172, the "Fiscal Year 2001 Budget Support Act of 2000" Creating the Office of the Chief Medical Examiner, see Mayor's Order 2001-04, January 5, 2001 (48 DCR 938).

§ 5-1406. DEATHS--NOTIFICATION; PENALTIES FOR NONCOMPLIANCE.

(a) For all deaths described in § 5-1405(b), the CME shall take charge of the body upon the mandatory and direct notification of the death required by subsection (b) of this section. The CME, or duly authorized representatives of the CME, shall have authority to respond to the scene of the death. The body of the decedent shall not be disturbed unless the CME, or the CME's designee, grants permission to do so.

(b) All law enforcement officers, emergency medical service (EMS) personnel, physicians, nurses, health care institutions, nursing homes, community residential facilities, prisons and jails, funeral directors, embalmers and other persons shall promptly notify the OCME of the occurrence of all deaths coming to their attention which are subject to investigation under § 5-1405(b) and shall assist in making the bodies and related evidence available to a medical examiner for investigation and autopsy.

(c) Any person subject to the reporting requirements in subsection (b) of this section who willfully fails to comply with this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$100 nor more than \$1,000.

(Oct. 19, 2000, D.C. Law 13-172, § 2907, 47 DCR 6308.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 11-2304.

Emergency Act Amendments

For temporary (90 day) addition of section, see § 2907 of the Fiscal Year 2001 Budget Support Congressional Review Emergency Act of 2000 (D.C. Act 13-438, October 20, 2000, 47 DCR 8740).

Legislative History of Laws

For Law 13-172, see notes following § 5-1401.

§ 5-1407. SUBPOENA POWER FOR ACCESS TO CONFIDENTIAL MEDICAL RECORDS.

The CME is authorized to issue a subpoena for confidential medical records and relevant information from physicians, hospitals, nursing homes, residential care facilities and other health care providers as in his or her opinion is necessary for investigating deaths under this chapter. Any such subpoena issued by the CME may be enforced by order of the Superior Court. The Mayor shall, by regulation, prescribe procedures for issuing administrative subpoenas pursuant to this section.

(Oct. 19, 2000, D.C. Law 13-172, § 2908, 47 DCR 6308.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90 day) addition of section, see § 2908 of the Fiscal Year 2001 Budget Support Congressional Review Emergency Act of 2000 (D.C. Act 13-438, October 20, 2000, 47 DCR 8740).

Legislative History of Laws

For Law 13-172, see notes following § 5-1401.

Delegation of Authority

Delegation of Authority Pursuant to Title XXIX of D.C. Law 13-172, the "Fiscal Year 2001 Budget Support Act of 2000" Creating the Office of the Chief Medical Examiner, see Mayor's Order 2001-04, January 5, 2001 (48 DCR 938).

§ 5-1408. POSSESSION OF EVIDENCE AND PROPERTY.

(a) At the scene of any death subject to investigation under § 5-1405(b), the medical examiner, a medicolegal investigator, or a law enforcement officer shall take possession of any objects or articles which, in his or her opinion, may be useful in establishing the cause and manner of death or the identity of the decedent and shall hold them as evidence. The Mayor shall issue regulations concerning the evidence in the possession of the CME and the transfer of that evidence to law enforcement agencies or the United States Attorney's Office. The regulations shall include requirements on the length of time evidence shall be preserved by the CME, and shall require that toxicology and histology specimens be preserved for periods of time consistent with the accreditation requirements of the National Association of Medical Examiners.

(b) In the absence of the next of kin, a police officer, a medical examiner or a medicolegal investigator may take possession of all property of value found on or in the custody of the decedent. If possession is taken of the property, the police officer, medical examiner or medicolegal investigator shall make an exact inventory of it and deliver the property to the Property Clerk of the Metropolitan Police Department. The Mayor shall issue regulations concerning the transfer of any such property from the OCME.

(Oct. 19, 2000, D.C. Law 13-172, § 2909, 47 DCR 6308; July 15, 2004, D.C. Law 15-174, § 201(a), 51 DCR 3677.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 11-2305.

Effect of Amendments

D.C. Law 15-174 added the last sentence to subsec. (a).

Emergency Act Amendments

For temporary (90 day) addition of section, see § 2909 of the Fiscal Year 2001 Budget Support Congressional Review Emergency Act of 2000 (D.C. Act 13-438, October 20, 2000, 47 DCR 8740).

Legislative History of Laws

For Law 13-172, see notes following § 5-1401.

For 15-174, see notes following § 5-113.07.

Delegation of Authority

Delegation of Authority Pursuant to Title XXIX of D.C. Law 13-172, the "Fiscal Year 2001 Budget Support Act of 2000" Creating the Office of the Chief Medical Examiner, see Mayor's Order 2001-04, January 5, 2001 (48

§ 5-1409. EXAMINATION; FURTHER INVESTIGATION AND AUTOPSY.

(a) If, in the opinion of the CME, the cause and manner of death are established with a reasonable medical certainty, the CME shall complete a report of the medical examination of the decedent.

(b) If, in the opinion of the CME, or the United States Attorney, further investigation as to the cause or manner of death is required or the public interest so requires, a medical examiner shall either perform, or the CME shall arrange for a qualified pathologist to perform, an autopsy on the body of the decedent and to retain tissues and biological specimens deemed necessary to an investigation. No consent of the next of kin shall be required for an autopsy to be performed under this section.

(c) The medical examiner performing the autopsy shall make a complete record of the findings and conclusions of any autopsy and shall prepare a report thereon.

(Oct. 19, 2000, D.C. Law 13-172, § 2910, 47 DCR 6308.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 11-2306.

Emergency Act Amendments

For temporary (90 day) addition of section, see § 2910 of the Fiscal Year 2001 Budget Support Congressional Review Emergency Act of 2000 (D.C. Act 13-438, October 20, 2000, 47 DCR 8740).

Legislative History of Laws

For Law 13-172, see notes following § 5-1401.

§ 5-1410. AUTOPSY BY PATHOLOGIST OTHER THAN A MEDICAL EXAMINER.

(a) If an autopsy is performed by a pathologist other than a medical examiner by request of the CME, the pathologist shall furnish to the CME, a complete record of the findings and conclusions of the autopsy. The CME, or assigned medical examiner, shall thereupon prepare a report, indicating the name of the pathologist performing the autopsy, the pathologist's findings and conclusions, and the CME's, or assigned medical examiner's, own comments, if appropriate.

(b) A pathologist other than a medical examiner who performs an autopsy at the request of the CME shall be compensated in accordance with a fee rate established by the Mayor by regulation.

(Oct. 19, 2000, D.C. Law 13-172, § 2911, 47 DCR 6308.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 11-2307.

Emergency Act Amendments

For temporary (90 day) addition of section, see § 2911 of the Fiscal Year 2001 Budget Support Congressional Review Emergency Act of 2000 (D.C. Act 13-438, October 20, 2000, 47 DCR 8740).

Legislative History of Laws

For Law 13-172, see notes following § 5-1401.

Delegation of Authority

Delegation of Authority Pursuant to Title XXIX of D.C. Law 13-172, the "Fiscal Year 2001 Budget Support Act of 2000" Creating the Office of the Chief Medical Examiner, see Mayor's Order 2001-04, January 5, 2001 (48 DCR 938).

§ 5-1411. DELIVERY OF BODY; EXPENSES.

(a) Following investigation or autopsy, the CME shall release the body of the decedent to the person having the right to the body for the purpose of burial or other disposition pursuant to law. If after a reasonable time, established by regulation by the Mayor, no authorized person claims the body of the decedent, the CME shall dispose of the body in accordance with the law.

(b) Expenses of transportation of bodies and autopsies performed pursuant to this chapter shall be borne by the District of Columbia.

(c) Only the CME shall dispose unclaimed bodies in the District without of next of kin or other means of disposition. The Mayor shall prescribe fees and regulations for the storage and disposal of unclaimed bodies.

(Oct. 19, 2000, D.C. Law 13-172, § 2912, 47 DCR 6308.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 11-2308.

Emergency Act Amendments

For temporary (90 day) addition of section, see § 2912 of the Fiscal Year 2001 Budget Support Congressional Review Emergency Act of 2000 (D.C. Act 13-438, October 20, 2000, 47 DCR 8740).

Legislative History of Laws

For Law 13-172, see notes following § 5-1401.

Delegation of Authority

Delegation of Authority Pursuant to Title XXIX of D.C. Law 13-172, the "Fiscal Year 2001 Budget Support Act of 2000" Creating the Office of the Chief Medical Examiner, see Mayor's Order 2001-04, January 5, 2001 (48 DCR 938).

§ 5-1412. MAINTENANCE OF RECORDS; ANNUAL REPORT.

(a) The CME shall be responsible for maintaining full and complete records and files, properly indexed, giving the name, if known, of every person whose death is investigated, the place where the body was found, the date, cause and manner of death and all other relevant information and reports of the medical examiner concerning the death. The CME shall issue a death certificate in all appropriate cases.

(a-1) Records and files related to an open investigation of a homicide shall be retained for 65 years from the date the CME initiates its investigation of the homicide. Other records and files maintained under subsection (a) of this section shall be retained by the CME for periods of time established by regulations issued pursuant to § 5-1417. For the purposes of this subsection, the term "open investigation" shall have the same meaning as provided in § 5-113.31(10).

(b) The records and files maintained under the provisions of subsection (a) of this section shall be open to inspection by the Mayor, or Mayor's authorized representative, the United States Attorney and the United States Attorney's assistants, the Metropolitan Police Department, or any other law enforcement agency or official, and the Child Fatality Review Committee when necessary for the discharge of its official duties; upon request, to such persons, the CME shall promptly deliver to such persons copies of records relating to the deaths as to which further investigation may be advisable.

(c) Any other person with a legitimate interest may obtain copies of records maintained pursuant to subsection (a) of this section upon such conditions and payment of such fees as may be prescribed by regulation by the Mayor. If such person fails to meet the prescribed conditions, such person may obtain copies of such records pursuant to court order if the court is satisfied that such person has a legitimate interest.

(d) The CME shall prepare an annual report to the Mayor which includes information on the number of autopsies performed, statistics as to the causes of deaths, and any other relevant information the Mayor may require. The annual report shall be open to inspection by the public. The annual report shall not identify by name, deceased persons examined.

(Oct. 19, 2000, D.C. Law 13-172, § 2913, 47 DCR 6308; Oct. 3, 2001, D.C. Law 14-28, § 4619(c), 48 DCR 6981; July 15, 2004, D.C. Law 15-174, § 201(b), 51 DCR 3677.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 11-2309.

Effect of Amendments

D.C. Law 14-28 substituted "official, and the Child Fatality Review Committee when necessary for the discharge of its official duties" for "official" in subsec. (b).

D.C. Law 15-174 added subsec. (a-1).

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 19(c) of Child Fatality Review Committee Establishment Temporary Act of 2001 (D.C. Law 14-20, September 6, 2001, law notification 48 DCR 9090).

Emergency Act Amendments

For temporary (90 day) addition of section, see § 2913 of the Fiscal Year 2001 Budget Support Congressional Review Emergency Act of 2000 (D.C. Act 13-438, October 20, 2000, 47 DCR 8740).

For temporary (90 day) amendment of section, see § 19(c) of Child Fatality Review Committee Establishment Emergency Act of 2001 (D.C. Act 14-40, April 25, 2001, 48 DCR 5917).

For temporary (90 day) amendment of section, see § 19(c) of Child Fatality Review Committee Establishment Legislative Review Emergency Act of 2001 (D.C. Act 14-82, July 9, 2001, 48 DCR 6355).

Legislative History of Laws

For Law 13-172, see notes following § 5-1401.

For Law 14-20, see notes following § 5-1404.

For Law 14-28, see notes following § 5-409.01.

For 15-174, see notes following § 5-113.07.

Delegation of Authority

Delegation of Authority Pursuant to Title XXIX of D.C. Law 13-172, the "Fiscal Year 2001 Budget Support Act of 2000" Creating the Office of the Chief Medical Examiner, see Mayor's Order 2001-04, January 5, 2001 (48 DCR 938).

§ 5-1413. RECORDS AS EVIDENCE.

The records maintained pursuant to § 5-1412, or reproductions thereof certified by the CME, are admissible as evidence in any court in the District; except that, statements made by witnesses or other persons and conclusions upon nonmedical matters are not admissible.

(Oct. 19, 2000, D.C. Law 13-172, § 2914, 47 DCR 6308.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 11-2310.

Emergency Act Amendments

For temporary (90 day) addition of section, see § 2914 of the Fiscal Year 2001 Budget Support Congressional Review Emergency Act of 2000 (D.C. Act 13-438, October 20, 2000, 47 DCR 8740).

Legislative History of Laws

For Law 13-172, see notes following § 5-1401.

§ 5-1414. AUTOPSIES PERFORMED UNDER COURT ORDER.

In the case of unexplained, sudden, violent, or suspicious death, when the body is buried without investigation, or there has been an inadequate investigation, the United States Attorney, on his or her own motion, or on request of a medical examiner, or the Metropolitan Police Department, or other law enforcement agency, may petition the appropriate court for an order to conduct an inquiry. The court may order the body exhumed and an autopsy performed. In such cases, records and reports shall be filed as if the autopsy were performed prior to burial; except that, a copy of the report shall be furnished directly to the court.

(Oct. 19, 2000, D.C. Law 13-172, § 2915, 47 DCR 6308.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 11-2311.

Emergency Act Amendments

For temporary (90 day) addition of section, see § 2915 of the Fiscal Year 2001 Budget Support Congressional Review Emergency Act of 2000 (D.C. Act 13-438, October 20, 2000, 47 DCR 8740).

For Law 13-172, see notes following § 5-1401.

§ 5-1415. TISSUE TRANSPLANTS.[REPEALED]

(Oct. 19, 2000, D.C. Law 13-172, § 2916, 47 DCR 6308; Apr. 15, 2008, D.C. Law 17-145, § 30(b), 55 DCR 2532.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 11-2312.

Emergency Act Amendments

For temporary (90 day) addition of section, see § 2916 of the Fiscal Year 2001 Budget Support Congressional Review Emergency Act of 2000 (D.C. Act 13-438, October 20, 2000, 47 DCR 8740).

Legislative History of Laws

For Law 13-172, see notes following § 5-1401.

Law 17-145, the "Uniform Anatomical Gift Revision Act of 2008", was introduced in Council and assigned Bill No.17-58 which was referred to the Committee on Public Safety and Judiciary. The Bill was adopted on first and second readings on January 8, 2008, and February 5, 2008, respectively. Signed by the Mayor on February 25, 2008, it was assigned Act No. 17-311 and transmitted to both Houses of Congress for its review. D.C. Law 17-145 became effective on April 15, 2008.

§ 5-1416. PERSONNEL, RECORDS, FUNCTIONS, AND AUTHORITY TRANSFERRED.

All positions, personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available or to be available to the Office of the Chief Medical Examiner and all the functions assigned and authority delegated to the Office of the Chief Medical Examiner are hereby transferred to the Office of the Chief Medical Examiner established pursuant to § 5-1402:

- (1) Commissioner's Order 70-83, effective March 6, 1970, vesting the Director of the Department of Human Resources with authority over the Chief Medical Examiner and the operations of the Office of the Chief Medical Examiner under Public Law 91-358;
- (2) Commissioner's Order 71-16, effective January 26, 1971, establishing the Office of the Chief Medical Examiner, headed by the Chief Medical Examiner, in the Department of Human Resources with the functions set forth in Public Law 91-358;
- (3) Part IV(B)(2) of Reorganization Plan No. 2 of 1979, effective February 21, 1980, vesting the Commissioner of Public Health, Department of Human Services, with administrative authority over the technical programs and services for medical investigation of all deaths, except clearly natural deaths under Public Law 91-358 and Commissioner's Order 71-16, as amended;
- (4) Part III(K) of Reorganization Plan No. 3 of 1986, effective January 3, 1987, vesting the Director of the Department of Human Services with responsibility for medically investigating and reporting on known or suspected homicides, suicides, medically unattended or accidental deaths and deaths which might threaten public health and safety;
- (5) Mayor's Order 89-62, Establishment of Commission on the Medical Examiner's Office, effective March 28, 1989;
- (6) Part IV(B)(2) of Reorganization Plan 4 of 1996, Establishment of the District of Columbia Department of Health, placing the Office of the Chief Medical Examiner under the supervision of the Director of the Department of Health; and
- (7) Department of Health Organization Order No. 15, Office of the Chief Medical Examiner, dated May 30, 1997, establishing the Office of the Chief Medical Examiner in the Department of Health.

(Oct. 19, 2000, D.C. Law 13-172, § 2917, 47 DCR 6308.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90 day) addition section, see § 2917 of the Fiscal Year 2001 Budget Support Congressional Review Emergency Act of 2000 (D.C. Act 13-438, October 20, 2000, 47 DCR 8740).

Legislative History of Laws

For Law 13-172, see notes following § 5-1401.

§ 5-1417. REGULATIONS AND FEES.

(a) The Mayor shall promulgate proposed regulations to implement the provisions of this chapter. The proposed regulations shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the regulations, in whole or in part, by resolution within the 45-day review period, the proposed rules shall be deemed approved.

(b) The Mayor is authorized to establish fees and rates required by this chapter.

(Oct. 19, 2000, D.C. Law 13-172, § 2918, 47 DCR 6308.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90 day) addition of section, see § 2918 of the Fiscal Year 2001 Budget Support Congressional Review Emergency Act of 2000 (D.C. Act 13-438, October 20, 2000, 47 DCR 8740).

Legislative History of Laws

For Law 13-172, see notes following § 5-1401.

Delegation of Authority

Delegation of Authority Pursuant to Title XXIX of D.C. Law 13-172, the "Fiscal Year 2001 Budget Support Act of 2000" Creating the Office of the Chief Medical Examiner, see Mayor's Order 2001-04, January 5, 2001 (48 DCR 938).

§ 5-1418. OFFICE OF THE CHIEF MEDICAL EXAMINER MANAGEMENT FUND.[REPEALED]

(Oct. 20, 2000, D.C. Law 13-172, § 2918a, as added Oct. 20, 2005, D.C. Law 16-33, § 3002, 52 DCR 7503; Sept. 14, 2011, D.C. Law 19-21, § 9051, 58 DCR 6226.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90 day) addition, see § 3002 of Fiscal Year 2006 Budget Support Emergency Act of 2005 (D.C. Act 16-168, July 26, 2005, 52 DCR 7667).

For temporary (90 day) addition of section, see § 202 of Comprehensive Impaired Driving and Alcohol Testing Program Emergency Amendment Act of 2012 (D.C. Act 19-429, July 30, 2012, 59 DCR 9387).

For temporary (90 day) addition of section, see § 202 of Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C. Act 19-508, October 26, 2012, 59 DCR 12774).

Legislative History of Laws

Law 16-33, the "Fiscal Year 2006 Budget Support Act of 2005", was introduced in Council and assigned Bill No. 16-200 which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 10, 2005, and June 21, 2005, respectively. Signed by the Mayor on July 26, 2005, it was assigned Act No. 16-166 and transmitted to both Houses of Congress for its review. D.C. Law 16-33 became effective on October 20, 2005.

For history of Law 19-21, see notes under § 5-405.

Miscellaneous Notes

Short title of subtitle A of title III of Law 16-33: Section 3001 of D.C. Law 16-33 provided that subtitle A of title III of the act may be cited as the Office of the Chief Medical Examiner Management Fund Amendment Act of 2005.