

# WEST VIRGINIA CODE: §15-3D-7

## **§15-3D-7. Identification of human remains.**

(a) The Chief Medical Examiner or county medical examiner, whichever is applicable, shall make reasonable attempts to promptly identify unidentified human remains, by:

- (1) Taking photographs of the human remains, prior to an autopsy;
- (2) Performing dental or skeletal x-rays, when possible;
- (3) Taking photographs of items found with the human remains;
- (4) Obtaining fingerprints from the remains, when possible;
- (5) Taking samples of tissue suitable for DNA typing, when obtainable;
- (6) Taking samples of whole bone or hair, or both, when obtainable and suitable for DNA typing; and
- (7) Collecting any other information or materials that may support identification efforts.

(b) A medical examiner or any other person may not dispose of, or materially alter, unidentified human remains before:

- (1) Any obtainable DNA samples have been collected that are suitable for DNA identification archiving;
- (2) Photographs of the unidentified person or human remains have been taken; and
- (3) All other appropriate methods of identification have been exhausted.

(c) A medical examiner shall make reasonable efforts to obtain prompt DNA analysis of biological samples from unidentified human remains if the human remains have not been identified by other means within 30 days.

(d) A medical examiner shall seek available support from appropriate state and federal agencies in efforts to identify human remains including, but not limited to, mitochondrial or nuclear DNA testing services, federal grants for DNA testing, or federal grants for laboratory or medical examiner office improvement.

(e) The medical examiner shall promptly submit all available information that may aid in the identification of human remains to NamUs and to the West Virginia State Police, for entry into all other appropriate law-enforcement databases.

(f) When human remains have been identified as belonging to a missing person, the medical

examiner shall promptly notify the lead law-enforcement agency, or if the lead law-enforcement agency is unknown, the West Virginia State Police that the missing person's remains have been identified.

(g) As soon as possible, the lead law-enforcement agency shall make and document efforts to locate family members of the deceased person to inform them of the death and location of the remains of their family member, unless disclosure of such information would compromise a criminal investigation into a missing person's death.

(h) Nothing in this article shall be interpreted to preclude the West Virginia State Police or any other law-enforcement agency from pursuing additional efforts to identify human remains, including efforts to publicize information, descriptions, or photographs that may aid in the identification of the remains.