WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1947

ENROLLED

HOUSE BILL No. 13

(By Mr. Davis by Request)

PASSED February 19, 1947

In Effect From Passage
ENROLLED

House Bill No. 13
(By Mr. Davis, by request)

[Passed February 19, 1947; in effect from passage.]

AN ACT to amend and reenact section eight, article twelve, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, relating to the holding of coroner inquests and preliminary hearings, and fees and expenses; the burial of the body and expenses; and instances in which inquests, autopsies, and chemical analyses are required when requested by the prosecuting attorney, without the consent of the next of kin.

Be it enacted by the Legislature of West Virginia:

That section eight, article twelve, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted to read as follows:

Section 8. Burial of Body and Expenses; Fees of Jurors and Officers Holding Inquests; Preliminary Hearings and Fees; When no Inquest Necessary; Inquests, Autopsies
and Chemical Analyses Necessary upon Request of Prosecuting Attorney; No Consent of Next of Kin Required in Certain Instances.—If the dead person be a stranger, whether the inquest be taken or the coroner or justice called to view the body thinks it unnecessary to have an inquest, he shall cause the body to be decently buried, or forwarded to its proper destination. If the coroner or justice certify the deceased has not sufficient estate in this state to pay the expenses of the burial, the coroner's or justice's fees, and the expenses of the inquest, if one was taken, shall, when allowed by the county court of the county, be paid out of the treasury of the county. In other cases, all such charges shall be paid out of the estate of the deceased; or, if it prove insufficient, out of the treasury of the county, unless the inquest be upon the body of a convict in the penitentiary, in which case the same shall be paid out of the state treasury, after being allowed by the executive. Each juror impaneled as herein provided shall receive for his services two dollars for each day he shall be necessarily engaged in holding the inquest and making the return thereof; the con-
stable shall receive three dollars for summoning a jury and witnesses for an inquest, and the coroner or justice shall receive for his services five dollars for each day necessarily engaged in holding the inquest and making return thereof, to be allowed and paid as aforesaid. Should the coroner or justice, upon such notice, make a preliminary examination of the facts connected with a death by some probable unlawful act, and ascertain that there was not good cause to believe it was by some unlawful act, he shall not hold an inquest except upon request of the prosecuting attorney, and such coroner or justice, in case an examination is made and no inquest held, shall be allowed a fee of five dollars for such examination, to be paid as herein provided: Provided, further, That a county prosecuting attorney who has investigated the death of any person and reasonably believes that an unlawful act has been committed may request the coroner or justice to hold an inquest or make an autopsy or take a chemical analysis upon the dead body, in which case, the coroner or justice shall, when required by the prosecuting attorney, also summon a physician
or physicians to make an autopsy or take a chemical an-
alysis upon the dead body without the necessity of ob-
taining the consent of the next of kin. A coroner or jus-
tice shall not, without the consent of the prosecuting at-
torney authorize any autopsy or chemical analysis upon
a dead body unless the justice or coroner has first ob-
tained the consent, in writing, of the next of kin, and the
cost shall be paid by the county court upon the order of
the prosecuting attorney.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House of Delegates

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the day of, 1947.

Governor

Filed in the Office of the Secretary of State of West Virginia.