

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1947



ENROLLED

HOUSE BILL No. 13

(By Mr. Davis by Request.



PASSED February 19 1947

In Effect From Passage

13

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*
2 *and Officers Holding Inquests; Preliminary Hearings and*
3 *Fees; When no Inquest Necessary; Inquests, Autopsies*

4 *and Chemical Analyses Necessary upon Request of Pros-*
5 *ecuting Attorney; No Consent of Next of Kin Required in*
6 *Certain Instances.*—If the dead person be a stranger,
7 whether the inquest be taken or the coroner or justice
8 called to view the body thinks it unnecessary to have
9 an inquest, he shall cause the body to be decently buried,
10 or forwarded to its proper destination. If the coroner
11 or justice certify the deceased has not sufficient estate
12 in this state to pay the expenses of the burial, the coro-
13 ner's or justice's fees, and the expenses of the inquest,
14 if one was taken, shall, when allowed by the county court
15 of the county, be paid out of the treasury of the county.
16 In other cases, all such charges shall be paid out of the
17 estate of the deceased; or, if it prove insufficient, out of
18 the treasury of the county, unless the inquest be upon
19 the body of a convict in the penitentiary, in which case
20 the same shall be paid out of the state treasury, after
21 being allowed by the executive. Each juror impaneled
22 as herein provided shall receive for his services two dol-
23 lars for each day he shall be necessarily engaged in hold-
24 ing the inquest and making the return thereof; the con-

25 stable shall receive three dollars for summoning a jury
26 and witnesses for an inquest, and the coroner or justice
27 shall receive for his services five dollars for each day
28 necessarily engaged in holding the inquest and making
29 return thereof, to be allowed and paid as aforesaid.
30 Should the coroner or justice, upon such notice, make a
31 preliminary examination of the facts connected with a
32 death by some probable unlawful act, and ascertain that
33 there was not good cause to believe it was by some un-
34 lawful act, he shall not hold an inquest except upon
35 request of the prosecuting attorney, and such coroner
36 or justice, in case an examination is made and no inquest
37 held, shall be allowed a fee of five dollars for such ex-
38 amination, to be paid as herein provided: *Provided, fur-*
39 *ther,* That a county prosecuting attorney who has inves-
40 tigated the death of any person and reasonably believes
41 that an unlawful act has been committed may request
42 the coroner or justice to hold an inquest or make an au-
43 topsy or take a chemical analysis upon the dead body, in
44 which case, the coroner or justice shall, when required
45 by the prosecuting attorney, also summon a physician

46 or physicians to make an autopsy or take a chemical an-
47 alysis upon the dead body without the necessity of ob-
48 taining the consent of the next of kin. A coroner or jus-
49 tice shall not, without the consent of the prosecuting at-
50 torney authorize any autopsy or chemical analysis upon
51 a dead body unless the justice or coroner has first ob-
52 tained the consent, in writing, of the next of kin, and the
53 cost shall be paid by the county court upon the order of
54 the prosecuting attorney.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Frank L. Mencer

Chairman Senate Committee

B. S. Matthews

Chairman House Committee

Originated in the House of Delegates

Takes effect *7 row* passage.

Howard Meyer

Clerk of the Senate

[Signature]
Clerk of the House of Delegates

Donald M. Vickery

President of the Senate

John E. Amos

Speaker House of Delegates

The within *Approved* this the *25th*
day of *Feb*, 1947.

Clarence Madison
Governor

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

FEB 26 1947

SECRETARY OF STATE

