

Title: AN ACT to amend sections 1-146, 1-149, 1-196, 1-197, 1-236, 1-372, 1-380, 1-400, 1-406, 1-407, 1-541, 1-732, 6-100, 6-175, 6-181, 6-183, 7-33, 7-81 to 7-85, 7-87, 7-88, 7-90, 9-692.3(d)(i), 18-172, 18-178, 22-118.15, 30-51, 30-139, 30-204, 31-226(a), 31-228, 33-221, 35-44, 35-65, 35-66 and 35-79; to repeal and recreate sections 1-454, 7-79, 7-86, 7-91, 18-173 and 18-186; and to repeal sections 1-40, 7-77, 7-78, 7-80, and 7-89 of the statutes relating to abolishing the offices of coroner and deputy coroner; providing for the sheriff and undersheriff to assume the coroner's duties and powers; requiring the sheriff to conduct thorough investigations in specified deaths and maintain complete records of such investigations; providing for the appointment of all licensed and qualified morticians as special deputy sheriffs to assist the sheriffs in specified cases; requiring the undersheriff to assume the sheriff's duties in specified cases; increasing fees and penalties; and providing an effective date.

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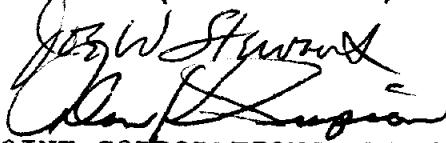
STATE OF WYOMING

LSA-074.01

GNF

HOUSE BILL NO. **245**

Office of county coroner (elimination).



Introduced by: JOINT CORPORATIONS, ELECTIONS AND POLITICAL
SUBDIVISIONS INTERIM COMMITTEE

A BILL

for

1 AN ACT to amend sections 1-146, 1-149, 1-196, 1-197,
2 1-236, 1-372, 1-380, 1-400, 1-406, 1-407, 1-541, 1-732,
3 6-100, 6-175, 6-181, 6-183, 7-33, 7-81 to 7-85, 7-87,
4 7-88, 7-90, 9-692.3(d)(i), 18-172, 18-178, 22-118.15,
5 30-51, 30-139, 30-204, 31-226(a), 31-228, 33-221, 35-44,
6 35-65, 35-66 and 35-79; to repeal and recreate sections
7 1-454, 7-79, 7-86, 7-91, 18-173 and 18-186; and to repeal
8 sections 1-40, 7-77, 7-78, 7-80, and 7-89 of the statutes
9 relating to abolishing the offices of coroner and deputy
10 coroner; providing for the sheriff and undersheriff to
11 assume the coroner's duties and powers; requiring the
12 sheriff to conduct thorough investigations in specified
13 deaths and maintain complete records of such investi-
14 gations; providing for the appointment of all licensed and
15 qualified morticians as special deputy sheriffs to assist
16 the sheriffs in specified cases; requiring the undersher-
17 iff to assume the sheriff's duties in specified cases;
18 increasing fees and penalties; and providing an effective

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1 date.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WYOMING:

3 Section 1. Sections 1-146, 1-149, 1-196, 1-197,
4 1-236, 1-372, 1-380, 1-400, 1-406, 1-407, 1-541, 1-732,
5 6-100, 6-175, 6-181, 6-183, 7-33, 7-81 to 7-85, 7-87,
6 7-88, 7-90, 9-692.3(d) (i), 13-172, 18-178, 22-118.15,
7 30-51, 30-139, 30-204, 31-226(a), 31-228, 33-221, 35-44,
8 35-65, 35-66 and 35-79 of the statutes are amended to
9 read:

10 1-146. Failure of witness to obey subpoena; issuance
11 of attachment to sheriff, etc. When a witness fails to
12 attend in obedience to a subpoena, the court or officer
13 before whom his attendance is required may issue an
14 attachment to the sheriff, ~~coroner~~ HIS DEPUTY, or con-
15 stable of the county, commanding him to arrest and bring
16 the person therein named before such court or officer, at
17 a time and place to be fixed in the attachment, to give
18 his testimony, and answer for the contempt. + If the
19 attachment is not for immediately bringing the witness
20 before the court or officer, a sum may be fixed in which
21 the witness may give an undertaking with surety for his
22 appearance, which sum shall be indorsed on the back of the
23 attachment. + and If NO SUM IS SO FIXED AND INDORSED IT
24 SHALL BE ~~one hundred dollars~~ \$100; and if the witness was

1 not personally served, the court may, by rule, order him
2 to show cause why an attachment should not issue against
3 him.

4 1-149. Proceedings on arrest of witness; commitment
5 order, etc. Every attachment for the arrest or order of
6 commitment to prison of a witness by a court or officer
7 pursuant to this chapter, must be under the seal of the
8 court or officer, if the officer has an official seal, and
9 must specify particularly the cause of the arrest or
10 commitment. + If the commitment is for a refusal to
11 answer a question, such question must be stated in the
12 order. + ~~and~~ The order of commitment may be directed to the
13 sheriff, ~~coroner~~ HIS DEPUTY, or any constable of the
14 county where the witness resides, or is at that time, and
15 shall be executed by committing him to the jail of the
16 county and delivering a copy of the order to the jailer.

17 1-196. Fees of physician testifying as expert or
18 performing post mortem or autopsy. Any physician or sur-
19 geon who may be called upon to testify as an expert before
20 a ~~coroner~~ SHERIFF, or other officer, ~~shall be~~ IS entitled
21 to a fee of ~~twenty-five dollars~~ \$25 for each half day or
22 portion thereof, and when called upon to make a
23 post-mortem examination or autopsy ~~shall be~~ IS entitled to
24 a fee of ~~seventy-five dollars~~ \$100; provided, that an
25 autopsy be actually made.

1 1-197. Certificate of physician's fees on post
2 mortem examination. It ~~shall be~~ IS the duty of the ~~coroner~~
3 SHERIFF or other officer who has ordered ~~such~~ A post
4 mortem examination to issue to ~~said~~ THE physician or sur-
5 geon a certificate for the fees hereinbefore provided,
6 which shall be paid by the board of county commissioners
7 by issuing a county warrant on the treasurer of the county
8 in which such services were rendered in the amount of such
9 certificate issued by the ~~coroner~~ SHERIFF or other offi-
10 cer. ~~It is provided, that this act~~ SECTIONS 1-196 AND 1-197 OF
11 THE STATUTES shall not apply in case of any physician
12 regularly employed by the county as ~~such~~, OR IN THE CASE
13 OF THE STATE MEDICAL EXAMINER OR HIS DEPUTIES.

14 1-236. Garnishment of public officers. The service
15 of process of garnishment upon the sheriff, ~~coroner~~,
16 clerk, constable, master commissioner, marshal of a
17 municipal corporation or other officer having in his pos-
18 session or under his control any money, claim, or other
19 property of the defendant, or in which the defendant has
20 an interest, shall bind the same from the time of such
21 service and shall be a legal excuse to such officers, to
22 the extent of the demand of the plaintiff, for not paying
23 such money or delivering such claims or property to the
24 defendant as by law or the terms of the process in his
25 hands he would otherwise be bound to do.

1 1-372. Defendant may give bond to officer for future
2 delivery of goods. When a sheriff, ~~coroner~~, or other
3 officer levies, by virtue of an execution upon any goods
4 and chattels which afterwards remain upon his hands unsold
5 for the want of bidders, for the want of time to advertise
6 and sell, or for any other reasonable cause, the officer
7 may, for his own security, take of the defendant an under-
8 taking, with security in such sum as he deems sufficient,
9 to the effect that the property shall be delivered to the
10 officer holding an execution for the sale of the same, at
11 the time and place appointed by such officer, either by
12 notice given in writing to the defendant in execution, or
13 by advertisement printed in a newspaper published in the
14 county, naming therein the day and place of sale. ~~and~~ If
15 the defendant ~~fail~~ FAILS to deliver the goods and chattels
16 at the time and place mentioned in the notice to him
17 given, or to pay to the officer holding the execution the
18 full value of such goods and chattels, or the amount of
19 the debt and costs, the undertaking shall be considered as
20 broken, and may be proceeded on as in other cases.

21 1-380. Property of officers to be sold without
22 valuation. If the property of a clerk, sheriff, ~~coroner~~,
23 justice of the peace or constable, or of a collector of
24 state, county, municipal, corporation or precinct tax, be
25 levied on, for or on account of any money by him collected

1 or received in his official capacity, the property so
2 levied on shall be sold without valuation.

3 1-400. When judgment loses preference; lien to con-
4 tinue for one year. No judgment, on which execution is
5 not issued and levied before the expiration of one year
6 next after its rendition, shall operate as a lien on the
7 estate of a debtor to the prejudice of any other bona fide
8 judgment creditor. ~~;~~ ~~but~~ In all cases in which judgment is
9 rendered in the district or supreme court, and a special
10 mandate is awarded to the district court to carry the same
11 into execution, the lien of the judgment creditor shall
12 continue for one year after the first day of the term of
13 the district court to which such mandate is directed, or,
14 if the mandate be entered on the journal in vacation,
15 after it is so entered. ~~;~~ ~~and~~ In computing such period of
16 one year, the time covered by an appeal of the case, or by
17 an injunction against the execution, or by proceedings in
18 error, or by a vacancy in the office of sheriff ~~and cor-~~
19 ~~oner~~, or by the HIS inability ~~of such officer~~, shall be
20 excluded.

21 1-406. Execution to another county may be returned
22 by mail. When execution is issued in any county and
23 directed to the sheriff ~~or coroner~~ of another county, the
24 sheriff ~~or coroner~~ having the execution may, after having
25 discharged all the duties required of him by law, transmit

1 such execution by mail to the clerk of the court who
2 issued it, and on proof made by such sheriff ~~or coroner~~
3 that the execution was mailed soon enough to have reached
4 the office where it was issued within the time prescribed
5 by law, he shall not be liable for any amercement or pen-
6 alty if it does not reach the office in due time.

7 1-407. Money not to be forwarded by mail. No
8 sheriff ~~or coroner~~ shall forward by mail any money made on
9 such execution unless he be specially instructed to do so
10 by the plaintiff, his agent or attorney of record.

11 1-541. Service of subpoena. A subpoena may be
12 served by a sheriff, ~~coroner~~, constable, or any other
13 person, and shall be served by reading the same or stating
14 the contents thereof to the witness, or by leaving a copy
15 thereof at his usual place of residence with some person
16 belonging to the family, of suitable age.

17 1-732. Causes for amercement. If an execution or
18 order of sale directed to an officer ~~come~~ COMES to his
19 hands to be executed, and he ~~neglect~~ NEGLECTS or ~~refuse~~
20 REFUSES to execute it; or if he ~~neglect~~ NEGLECTS or ~~refuse~~
21 REFUSES to sell property of any kind, which by any writ or
22 order he is directed to sell; or ~~fail~~ FAILS to call an
23 inquest, or to return to the clerk's office a copy of the
24 certificate of appraisement made by the inquest; or
25 ~~neglect~~ NEGLECTS to return to the proper court an execu-

1 tion or order of sale to him directed on or before the
2 return day thereof; or ~~neglect~~ NEGLECTS to return a cor-
3 rect inventory of personal property taken on execution,
4 unless he ~~return~~ RETURNS that the amount of the judgment,
5 including costs, has been paid to him; or ~~neglect~~
6 NEGLECTS, on demand, to pay to the person entitled
7 thereto, any money by him collected or received for the
8 use of such person, at any time after he collects or
9 receives the same, or ~~neglect~~ NEGLECTS or ~~refuse~~ REFUSES,
10 on demand, to pay to the judgment debtor all money by him
11 received on any sale made, beyond what is sufficient to
12 satisfy the writ or order of sale, with interest and
13 costs, such officer shall, on motion in court, and notice
14 thereof in writing, as provided in the next section, be
15 amerced in the amount of such judgment, including costs,
16 with ~~ten per centum~~ 10% thereon, to and for the use of
17 such plaintiff or defendant as the case may be.

18 6-100. Mutilation of dead human bodies. Whoever
19 shall dissect or mutilate any dead human body, shall be
20 guilty of a felony, and upon conviction thereof, shall be
21 confined in the state penitentiary for not less than two
22 years nor more than five years. ~~Provided, that~~ This
23 section shall not apply to physicians and surgeons acting
24 on the order of a ~~coroner~~ SHERIFF or other qualified offi-
25 cer, ~~provided, further, that this section shall not apply~~

1 OR to dissection for the purpose of determining cause of
2 death when such dissection is authorized by the nearest
3 living kin of THE deceased. ~~provided, further, that~~
4 Nothing in this section shall prohibit the state or county
5 authorities from delivering unclaimed dead human bodies to
6 regularly chartered institutions for scientific research. ~~+~~
7 ~~provided, further, that~~ Nothing in this ~~act~~ SECTION shall
8 prohibit the necessary mutilation incident to embalming a
9 dead human body when authorized by nearest of kin. ~~+~~ ~~pro-~~
10 ~~vided further that~~ The implementation of the Uniform Ana-
11 tomical Gift Act shall not be construed to be in violation
12 of this ~~act~~ SECTION.

13 6-175. Negligence of ministerial officer. A clerk,
14 sheriff, ~~coroner,~~ constable or other ministerial officer
15 who refuses or neglects to perform any duty he is required
16 by law to perform in any criminal case or proceeding; and
17 every officer whose duty it is to execute the same, who
18 unnecessarily delays to serve any warrant, legally issued
19 in any criminal case, which is delivered to him to
20 execute, when it is in his power to serve the same, either
21 alone or by calling assistance, shall be fined not more
22 than ~~five hundred dollars~~ \$500, to which may be added
23 imprisonment in the county jail not more than six months.

24 6-181. Refusal to join posse comitatus. Whoever,
25 when required to join the posse comitatus by any sheriff,

1 deputy sheriff, ~~coroner~~ or any conservator of the peace,
2 to assist him in the execution of his office, or in the
3 service or execution of any process or court order, shall
4 refuse or neglect to render such assistance without having
5 a valid cause for so refusing or neglecting, shall be
6 fined not more than ~~twenty five dollars (\$25.00)~~ \$100.00.

7 6-183. Obstructing lawful arrest or service of proc-
8 ess; assaulting officer. Any person who shall knowingly
9 and wilfully obstruct, resist or oppose any sheriff,
10 deputy sheriff, highway patrolman, game warden, ~~coroner~~,
11 constable, municipal policeman, or any other peace officer
12 within the state about to make a lawful arrest, or while
13 serving or attempting to serve any lawful process, civil
14 or criminal, or order of any court, judge or justice of
15 the peace, or any other legal process whatsoever, or who
16 shall assault or beat any sheriff, deputy sheriff, highway
17 patrolman, game warden, ~~coroner~~, constable, municipal
18 policeman, or any other peace officer while making such
19 lawful arrest or attempting to serve or execute any proc-
20 ess, civil or criminal, or order mentioned herein, shall
21 be guilty of a ~~misdemeanor~~ FELONY and shall be punished by
22 imprisonment in the ~~county jail~~ PENITENTIARY for a period
23 of not more than ~~six (6) months~~, 14 YEARS, or by a fine of
24 not ~~more~~ LESS than ~~one hundred dollars (\$100.00)~~ \$1,000
25 NOR MORE THAN \$5,000, or by both such fine and imprison-

1 ment.

2 7-33. Issuance of warrant for arrest; contents and
3 service. If the governor shall decide that the demand
4 should be complied with, he shall sign a warrant of
5 arrest, which shall be sealed with the state seal, and be
6 directed to a sheriff, marshal, ~~coroner~~, or other person
7 whom he may think fit to entrust with the execution
8 thereof; and the warrant must substantially recite the
9 facts necessary to the validity of its issue.

10 7-81. When required; summoning jurors; fees and
11 costs. The ~~coroner shall~~ SHERIFF MAY hold an inquest upon
12 the dead bodies of such persons only as are supposed to
13 have died by unlawful means, or the cause of whose death
14 is unknown, or who have died by violence. When the ~~cor-~~
15 ~~oner~~ SHERIFF is notified that the dead body of any person
16 supposed to have died by unlawful means, or the cause of
17 whose death is unknown, or who died by violence, has been
18 found within the limits of ~~this~~ HIS county, ~~it shall be~~
19 ~~his duty to~~ HE SHALL CONDUCT A THOROUGH INVESTIGATION TO
20 DETERMINE THE CAUSE OF SUCH DEATH AND MAY summon forthwith
21 three citizens of the county, to appear before him at the
22 time and place named to act as jurors at ~~the~~ AN inquest, ~~r~~
23 ~~who~~ THE JURORS shall receive ~~five dollars (\$5.00)~~ \$12 each
24 per day and ~~ten cents (10c)~~ \$.10 per mile for each mile
25 necessarily and actually traveled while engaged upon said

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1 inquest. The ~~coroner shall~~ SHERIFF MAY also, when neces-
2 sary, furnish means of transportation for the jury and
3 witness to and from the place of inquest and for the
4 removal of the dead body, and for any necessary expenses
5 actually incurred, as provided in this section, ~~and for~~
6 ~~the subsistence of the coroner, jurors and witnesses and~~
7 ~~for forage of animals.~~ ~~Provided, however, that~~ If the
8 injuries which caused the person's death were received in
9 another county than that in which the inquest is held, the
10 expense and costs of holding said inquest shall be charge-
11 able against and shall be paid by the county in which such
12 injuries were received by such deceased person. The
13 claimants shall present their accounts in duplicate,
14 attested by the ~~coroner~~ SHERIFF or ~~acting coroner~~ UNDER-
15 SHERIFF, as the case may be, to the board of county
16 commissioners of the proper county, and if found that said
17 inquest was necessary and in accordance with law, and the
18 account is correct and just, the same shall be paid in
19 warrants properly drawn upon the order of the county
20 commissioners.

21 7-82. Completing juries from bystanders; oath. If
22 any juror fails to appear, the ~~coroner~~ SHERIFF shall sum-
23 mon the proper number from the bystanders immediately, and
24 proceed to impanel them, and administer the following oath
25 in substance: "You do solemnly swear (or affirm) that you

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1 will diligently inquire and true presentment make, when,
2 how and by what means, the person whose body lies here
3 dead, came to his death, according to your knowledge and
4 the evidence given you, so help you God."

5 7-83. Issuance of subpoenas; witness fees; compel-
6 ling attendance of witnesses and jurors. The ~~coroner~~
7 SHERIFF may issue subpoenas within his county for wit-
8 nesses, returnable forthwith, or at such time as he may
9 direct therein, and witnesses shall be allowed the same
10 fees as in cases before a justice of the peace, ~~and the~~
11 ~~coroner shall have the same authority~~ THE SHERIFF IS
12 AUTHORIZED to enforce the attendance of witnesses and to
13 punish them and jurors for contempt in disobeying his
14 process, as justices of the peace ~~have~~ ARE in cases before
15 them.

16 7-84. Oath of witness; appointment, duties and
17 compensation of clerk of inquest; appointment, etc., of
18 shorthand reporter; transcript of testimony. An oath
19 shall be administered to each witness as follows: "You do
20 solemnly swear (or affirm) that the testimony which you
21 shall give to this inquest concerning the death of the
22 person here lying dead, shall be the truth, the whole
23 truth and nothing but the truth, so help you God." The
24 testimony of the witness sworn shall be reduced to writing
25 under the ~~coroner's~~ SHERIFF'S order, by a person to be

1 known as clerk of inquest, duly appointed and sworn, by
2 the ~~coroner~~ SHERIFF "to well and truly take and reduce
3 such testimony to writing." Said clerk shall receive not
4 less than ~~three dollars (\$3.00)~~ \$3 per day for each day
5 actually employed to be paid as other fees are paid in the
6 matter of inquests as by law provided. ~~Provided, however,~~
7 ~~that~~ Whenever, in the opinion of the ~~coroner~~ SHERIFF, it
8 is necessary to have the testimony of the witnesses taken
9 down in shorthand, he may employ a shorthand reporter to
10 take the testimony.† No shorthand reporter shall be
11 employed under the provisions of this act who is not
12 capable of writing 120 words per minute from dictation,
13 and make a transcript thereof.† ~~and~~ The ~~coroner~~ SHERIFF
14 shall test such reporter unless he is satisfied that such
15 reporter is qualified under the provisions of this act.
16 Such reporter shall be paid not less than ~~five dollars~~
17 ~~(\$5.00)~~ \$5 per diem for reporting and ~~twenty cents (20¢)~~
18 \$1.20 per 100 words for the original transcript and ~~seven~~
19 ~~and one half (7 1/2¢)~~ \$1.075 per 100 words for carbon
20 copies thereof. Such fees to be paid as other claims
21 against the county are paid.

22 7-85. Inquisition of jury. The jurors having
23 inspected the body, heard the testimony and made all need-
24 ful inquiries, shall return to the ~~coroner~~ SHERIFF their
25 inquisition in writing under their hands, stating therein,

1 as near as possible, the name of the person, and when, how
2 and by what means, if known, he came to his death.

3 7-87. Sheriff's return to court. The ~~coroners~~
4 SHERIFF shall then return to the district court the
5 inquisition, the written evidence, and a list of witnesses
6 who testify material matter.

7 7-88. Disposition of body and effects of deceased.
8 The ~~coroner~~ SHERIFF shall cause the body of a deceased
9 person, which he is called to view, to be delivered to his
10 friends, if there be any; if not, he shall cause him to be
11 decently buried, the expense of the same to be paid from
12 any property found with the body, or if there be none,
13 then from the county treasury, by certifying an account of
14 the expenses to the board of county commissioners, which
15 shall be acted upon by said board as in cases of other
16 accounts presented to them. EACH SHERIFF SHALL DEPUTIZE
17 EVERY LICENSED AND QUALIFIED MORTICIAN IN THE COUNTY TO
18 ASSIST IN THE CARE, PRESERVATION, TRANSPORTATION AND DIS-
19 POSITION OF DEAD, HUMAN BODIES. The ~~coroner~~ SHERIFF shall
20 also within ~~forty-eight~~ 48 hours after completing the
21 inquest, turn over to the clerk of the district court of
22 the county, all papers, property and effects of every
23 kind, found upon or belonging to the body of the deceased
24 person.

25 7-90. Post-mortem examination. When an inquisition

1 is ~~being~~ TO BE held, if the ~~coroner~~ SHERIFF or the jury
2 shall deem it requisite, he may, IN THE ABSENCE OF THE
3 STATE MEDICAL EXAMINER, summon one or more physicians or
4 surgeons, to make a scientific examination.

5 9-692.3. Same - Grounds for denying right of inspec-
6 tion; statement of grounds for denial; order to show
7 cause; order to restrict disclosure; hearing.

8 (d) The custodian shall deny the right of inspection
9 of the following records, unless otherwise provided by
10 law:

11 (i) Medical, psychological, and sociological
12 data on individual persons, exclusive of
13 ~~coroners~~ STATE MEDICAL EXAMINER autopsy
14 reports;

15 18-172. Office created; election; term; bond. There
16 shall be in each county organized for judicial purposes, a
17 sheriff, who shall hold his office for a term of four
18 years, and until his successor is elected and qualified,
19 or appointed and qualified, as the case may be, and who
20 shall before he enters on the duties of his office,
21 execute a bond to the people of the state of Wyoming, with
22 sufficient sureties, in the penal sum of ~~four thousand~~
23 ~~dollars~~ \$4,000, to be approved by the county commis-
24 sioners, conditioned for the faithful performance of the
25 duties of sheriff as required by law, and that he will pay

1 according to law, all moneys which shall come into his
2 possession belonging to the state county school funds, or
3 to any person or corporation, as such sheriff, and that he
4 will render a just and true account thereof, and shall
5 deliver to his successor in office or to any other person
6 authorized by law to receive them, all moneys, books,
7 papers and other things appertaining thereto or belonging
8 to his office as such sheriff.

9 18-178. Duty to preserve peace, etc. It ~~shall be~~ IS
10 the duty of the sheriffs and deputy sheriffs to keep and
11 preserve the peace in their respective counties, and to
12 quiet and suppress all affrays, riots, and unlawful assem-
13 blies and insurrections, for which purpose and for the
14 service of process in civil and criminal cases, and in
15 apprehending and securing any person for felony or breach
16 of the peace, they, and every ~~coroner and~~ constable, may
17 call to their aid such person or persons of their county
18 as they may deem necessary.

19 22-118.15. Officers to be nominated and elected;
20 term; when primary election held.

21 (a) The candidates of political parties for all
22 offices which under the law are filled by the direct vote
23 of the people of this state at the general election in
24 November, and candidates for the office of senator and
25 representative in the congress of the United States, shall

1 be nominated and precinct committeemen shall be elected at
2 primary elections at the times as now or as may hereafter
3 be provided by law. At the general election next pre-
4 ceding the expiration of their terms, the following named
5 officers shall be elected as provided by law: ~~presi-~~ presi-
6 dential electors, United States senators, representatives
7 in the congress of the United States, justices of the
8 supreme court of the state of Wyoming, district court
9 judges of the several judicial districts of Wyoming, all
10 elective state and county officials, and precinct officers
11 of the state of Wyoming except precinct committeemen.
12 Such officers shall be elected for the following terms:

13 ~~(a)~~ (i) For a term of two ~~(2)~~ years: Repre-
14 sentatives in the congress of the United
15 States and members of the house of
16 representatives of the Wyoming state
17 legislature.

18 ~~(b)~~ (ii) For a term of four ~~(4)~~ years: The
19 governor, secretary of state, state
20 treasurer, state auditor, superintendent
21 of public instruction, state senators,
22 all county clerks, county commissioners,
23 sheriffs, county treasurers, county and
24 prosecuting attorneys, clerks of the
25 district court, county superintendents

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1 of schools, county assessors, ~~coroners,~~
2 justices of the peace, and constables.

3 ~~(c)~~ (iii) For a term of six ~~(6)~~ years: United
4 States senators and district court
5 judges of the several judicial districts
6 of the state of Wyoming.

7 ~~(d)~~ (iv) For a term of eight ~~(8)~~ years: Justices
8 of the supreme court of the state of
9 Wyoming.

10 (b) No names of candidates of any political party
11 which is required or permitted under this article to make
12 nominations shall be placed upon the official election
13 ballot at such general election unless such candidates
14 shall have been chosen and nominated in accordance with
15 this article. The primary election herein provided for
16 shall consist of an election by all political parties, at
17 the same time and place, in the various voting precincts
18 designated as provided by the general election laws of
19 this state, on the first Tuesday after the third Monday in
20 August in every year in which occurs a general election,
21 for the nomination of candidates for such offices as are
22 to be filled at the general election in November next
23 ensuing, and for the election of precinct committeemen.
24 In the primary elections held next preceding the filling
25 of the office of senator in the congress of the United

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1 States there shall also be nominated the candidates of all
2 political parties for such office in the same manner as is
3 herein provided for the nomination of officers voted for
4 in the state at large.

5 30-51. Police powers generally; duty of operator and
6 county sheriff to notify inspector in case of fatal acci-
7 dent; sheriff's inquest. The inspector and deputy inspec-
8 tors of mines shall have and exercise throughout the state
9 of Wyoming all of the powers of sheriff and police offi-
10 cers with respect to the enforcement and giving effect of
11 the provisions of this act, including the power to arrest
12 any person violating any of the provisions thereof, and
13 any rules or regulations adopted pursuant thereto, and
14 they may serve all process other than civil process law-
15 fully issued by any court or magistrate or justice of the
16 peace under the provisions of this act. In event of any
17 fatal accident or fatality resulting from any phase of
18 mining operations as herein defined, it ~~shall be~~ IS the
19 duty of the operator or person in charge thereof to notify
20 the inspector of mines thereof immediately on its occur-
21 rence, and the duty of the county ~~coroner~~ SHERIFF of the
22 county in which such accident occurs to see that the
23 inspector of mines has been duly notified of such acci-
24 dent. If by him deemed necessary, the inspector of mines
25 may order and such ~~coroner~~ SHERIFF shall hold an inquest

1 respecting such accident, at which inquest the inspector
2 or any deputy inspector of mines shall have the right to
3 call, examine and cross-examine witnesses, and it ~~shall be~~
4 IS unlawful for any ~~coroner~~ SHERIFF to release the body of
5 any person killed in such accident or fatality without
6 notice from the inspector of mines that he does not deem
7 an inquest necessary. It ~~shall be~~ IS unlawful for any
8 inquest to be held with respect to any such fatality with-
9 out the presence of the inspector of mines or one of the
10 deputy inspectors unless the inspector or board of mines
11 shall notify the county ~~coroner~~ SHERIFF in writing that
12 the presence of either of the said officers is unnec-
13 essary.

14 30-139. Procedure in case of accident; sheriff's
15 inquests; investigation by inspector; cost. Whenever, by
16 reason of any explosion, or any other accident, in any
17 coal mine or the machinery connected therewith, loss of
18 life or serious personal injury shall occur, it ~~shall be~~
19 IS the duty of the persons having charge of such mine or
20 colliery to give a notice thereof forthwith to the state
21 inspector of coal mines, and if any person is killed
22 thereby, to the ~~coroner~~ SHERIFF of the county, who shall
23 give due notice of ~~the~~ ANY inquest to be held. If the
24 ~~coroner shall determine~~ SHERIFF DETERMINES to hold an
25 inquest, the ~~said~~ inspector shall be allowed to testify

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1 and offer such testimony as he ~~shall deem~~ DEEMS necessary
2 to thoroughly inform the ~~said~~ inquest of the causes of the
3 death, and the ~~said~~ inspector ~~shall have authority~~ IS
4 AUTHORIZED at any time to appear before ~~said coroner~~ THE
5 SHERIFF and jury and question or cross question any
6 witness, and in choosing a jury for the purpose of holding
7 such inquest, it ~~shall be~~ IS the duty of the ~~coroner~~
8 SHERIFF to empanel at least one experienced miner on such
9 jury. It ~~shall be~~ IS the duty of the ~~said~~ inspector, upon
10 being notified as herein provided, to immediately repair
11 to the scene of the accident and make such suggestions as
12 may appear necessary to secure the future safety of the
13 men, and if the results of the explosion or accident do
14 not require an investigation by the ~~coroner~~ SHERIFF, he
15 shall proceed to investigate and ascertain the cause of
16 the explosion or accident and make a record thereof, which
17 he shall file as provided for, and to enable him to make
18 the investigation he ~~shall have the power~~ IS AUTHORIZED to
19 compel the attendance of persons to testify, and to admin-
20 ister oaths or affirmations. The cost of such investi-
21 gation shall be paid by the county in which the accident
22 occurred in the same manner as costs of ~~coroners~~ SHER-
23 IFFS' inquests are paid by law.

24 30-204. Office established; coal mine inspector ex-
25 officio state mine inspector; qualifications; powers and

1 duties generally. There is hereby established the office
2 of inspector of mines, as such mines are hereinafter
3 defined, the duties of which office ~~shall be~~ ARE as here-
4 inafter prescribed. The state coal mine inspector
5 ~~appointed under the provisions of section 57-201, Wyoming~~
6 ~~Compiled Statutes, 1945, shall be~~ IS ex-officio the state
7 mine inspector, and shall perform all the duties and pos-
8 sess all of the powers of the state mine inspector. He
9 shall be a person of approved and practical experience
10 competent to perform the duties thereof. Such inspector
11 ~~shall have power~~ IS AUTHORIZED to make such examination
12 and inquiry as is deemed necessary to ascertain whether
13 the provisions of this act are ~~compiled~~ COMPLIED with, to
14 examine into, and make inquiry into the condition of any
15 mine, mill or part thereof, and all matters or things con-
16 nected with or relating to the safety of the persons
17 employed in or about the same; to examine into and make
18 inquiry respecting the condition of machinery or mechan-
19 ical devices, and if deemed necessary, have the same
20 tested; to appear at all ~~coroner's~~ SHERIFF'S inquests held
21 respecting accidents, and if necessary, call, examine and
22 cross-examine witnesses; to exercise such other powers as
23 are necessary for carrying out the provisions of this act.

24 31-226. Report forms.

25 (a) The department shall prepare and upon request

1 supply to police departments, ~~coroners~~, sheriffs, and
2 other suitable agencies or individuals, forms for accident
3 reports required hereunder, appropriate with respect to
4 the persons required to make such reports and the purposes
5 to be served. The written reports to be made by persons
6 involved in accidents and by investigating officers shall
7 call for sufficiently detailed information to disclose
8 with reference to a traffic accident the cause, conditions
9 then existing, and the persons and vehicles involved.

10 31-228. Sheriff's reports. Every ~~coroner~~ SHERIFF or
11 other official performing like functions shall on or
12 before the 10th day of each month report in writing to the
13 department the death of any person within his jurisdiction
14 during the preceding calendar month as the result of a
15 traffic accident giving the time and place of the accident
16 and the circumstances relating thereto.

17 33-221. When sheriff's permission to embalm
18 required; penalty. It shall be unlawful to embalm a dead
19 human body when any fact within the knowledge or brought
20 to the attention of the embalmer is sufficient to arouse
21 suspicion of crime in connection with the cause of death
22 of the deceased, until permission of the ~~coroner~~, SHERIFF,
23 OR COUNTY HEALTH OFFICER, or ~~justice of the peace~~ STATE
24 MEDICAL EXAMINER ~~(if there be no coroner available)~~ has
25 first been obtained. Any person violating the provisions

1 of this section shall be deemed guilty of a misdemeanor,
2 and upon conviction thereof, shall be fined not less than
3 ~~twenty five dollars~~ \$25 nor more than ~~one hundred dollars~~
4 \$100.00.

5 35-44. Duty of mortician to file death certificate
6 and obtain burial or removal permit; referral of certifi-
7 cate to health officer or sheriff in case of death from
8 violence, etc.; delivery of permit to sexton, etc. The
9 ~~undertaker~~ MORTICIAN, or person acting as ~~undertaker~~ A
10 MORTICIAN, shall be solely responsible for filing a
11 certificate of death, properly made out in ink, with the
12 local registrar and obtaining a burial or removal permit
13 from him prior to any disposition of the body. He shall
14 take the certificate containing the personal and family
15 particulars as signed by the informant to the attending
16 physician, who shall enter a true statement of cause of
17 death therein. In case of death from violence, suddenly
18 or under suspicious circumstances, or in the absence of a
19 medical attendant, the certificate shall be referred, for
20 statement of cause of death, to the COUNTY health officer
21 or ~~coroner~~ SHERIFF, as directed by the local registrar.
22 The ~~undertaker~~ MORTICIAN shall deliver the burial or
23 removal permit to the sexton, agent of transportation
24 company, or other person receiving the body from him for
25 final disposition or removal.

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1 35-65. Same - By whom filed; procedure; when
2 investigation required.

3 ~~(1)~~ (a) The ~~funeral-director~~ MORTICIAN, or
4 person acting as such, or the person in charge of inter-
5 ment, shall file with the local registrar of the registra-
6 tion district in which the death or stillbirth occurred,
7 or a dead body was found, a certificate of death or still-
8 birth within ~~3~~ FIVE days after the occurrence of such
9 death, stillbirth or the finding of such dead body.†

10 ~~(2)~~ (b) In preparing a certificate of death or
11 stillbirth, the ~~funeral-director~~ MORTICIAN or person act-
12 ing as such, or person in charge of interment, shall:

13 ~~(a)~~ (i) First obtain and enter on such certif-
14 icates the personal data required by the
15 board from the person best qualified to
16 supply them;

17 ~~(b)~~ (ii) Thereafter, present the certificate of
18 death to the physician last in attend-
19 ance upon the deceased, or to the STATE
20 medical examiner, or ~~coroner~~ SHERIFF, if
21 such has jurisdiction of the case, as
22 specified below; present the certificate
23 of stillbirth to the physician, midwife,
24 or other person in attendance at the
25 stillbirth, for the certification of the

1 fact of stillbirth, and the medical data
2 pertaining to stillbirth as physician or
3 midwife can furnish them in their
4 respective professional capacity:-

5 ~~(e)~~ (iii) If the death occurred without medical
6 attendance, or if the physician last in
7 attendance refuses or for any reason
8 fails to sign such certificate, immedi-
9 ately notify the appropriate local
10 registrar. In such event the local
11 registrar shall inform the ~~local~~ COUNTY
12 health officer, OR IF THERE IS NONE, THE
13 SHERIFF, and refer the case to him for
14 immediate investigation and certifi-
15 cation of the cause of death prior to
16 issuing a permit for burial, cremation
17 or other disposition of the body:-

18 (iv) If the circumstances of the case suggest
19 that the death or stillbirth was caused
20 by other than natural causes, OR CONSTI-
21 TUTES A THREAT TO PUBLIC HEALTH the
22 local registrar shall refer the case to
23 the ~~coroner~~ SHERIFF for investigation
24 and certification. The ~~coroner~~ SHERIFF
25 shall examine the body and consider the

1 history of the case, AND SHALL obtain
2 the assistance and advice of a ~~competent~~
3 ~~physician~~ THE COUNTY HEALTH OFFICER,
4 AND, IF NECESSARY, THE STATE MEDICAL
5 EXAMINER, who ~~will~~ SHALL assist the ~~cor-~~
6 ~~oner~~ SHERIFF in determining the cause of
7 death, by examination of the body,
8 autopsy, inquest, or other procedure as
9 may be deemed necessary. ~~Nonmedical~~
10 ~~coroners~~ SHERIFFS shall not diagnose the
11 cause of death without the assistance
12 and advice of a ~~competent physician~~ THE
13 COUNTY HEALTH OFFICER OR THE STATE MEDI-
14 CAL EXAMINER.

15 35-66. Same - Delayed certification when cause of
16 death cannot be determined. If the cause of death cannot
17 be determined within 3 FIVE days after death, the certifi-
18 cation of the cause of death may be returned after the
19 prescribed period, but the attending physician, COUNTY
20 HEALTH OFFICER, STATE medical examiner, or ~~coroner~~ SHERIFF
21 shall then notify in writing the local registrar of the
22 registration district in which the death occurred, of the
23 reason for the delayed certification of the cause of
24 death, in order that a permit for the disposition of the
25 body may be issued.

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1 35-79. General penalty for violation. Except where
2 a different penalty is provided in this act, any person
3 who violates any of the provisions of this act, or
4 neglects or refuses to perform any of the duties imposed
5 upon him by this act, shall upon conviction be fined not
6 more than ~~one hundred dollars (\$100.00)~~ \$500 OR IMPRISONED
7 IN THE COUNTY JAIL FOR A PERIOD NOT TO EXCEED SIX MONTHS
8 OR BY BOTH SUCH FINE AND IMPRISONMENT.

9 Section 2. Sections 1-454, 7-79, 7-86, 7-91, 18-173
10 and 18-186 of the statutes are repealed and recreated to
11 read:

12 1-454. Persons privileged from arrest.

13 (a) The following persons are privileged from
14 arrest, viz:

15 (i) Members, clerks, sergeants-at-arms,
16 doorkeepers and messengers of the senate
17 and house of representatives during the
18 sessions of the legislature, and while
19 traveling to and from such sessions by
20 the route most usually traveled. Who-
21 ever arrests any such person in viola-
22 tion of this provision shall pay \$100,
23 to be recovered by civil action, in the
24 name and for the use of the person
25 injured;

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1 (ii) Electors, while going to and returning
2 from, or in attendance at elections;

3 (iii) Attorneys, counselors-at-law, clerks,
4 sheriffs, county health officers, the
5 state medical examiner, his deputies,
6 constables and criers, and all suitors,
7 jurors and witnesses, while going to,
8 attending or returning from court;

9 (iv) A person doing militia duty under the
10 order of his commanding officer, or
11 while going to or returning from the
12 place of duty or parade.

13 7-79. When undersheriff to perform sheriff's duties;
14 district court judge to appoint when sheriff and under-
15 sheriff unable to perform.

16 (a) Every undersheriff shall serve and execute proc-
17 ess of every kind, civil and criminal, and perform all
18 other duties of the sheriff, when the sheriff is a party
19 to the case, or is interested, or for any other reason is
20 unable to perform his duties.

21 (b) If both the sheriff and undersheriff are parties
22 to a case, or are interested, or for any other reason are
23 unable to perform the duties of the office of sheriff, the
24 district court judge for the county involved shall appoint
25 a qualified person to perform the sheriff's duties related

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1 to the service and execution of process.

2 7-86. Arrest of persons charged with crime;
3 sheriff's warrant.

4 (a) If the inquest determines a crime has been
5 committed on the deceased, and names the person who the
6 jury believes has committed it, the sheriff shall, if the
7 person so charged is present, order him taken into custody
8 and taken before a justice of the peace in accordance with
9 the rules of criminal procedure.

10 (b) If the person charged is not present, the
11 sheriff shall issue a warrant requiring that he be
12 arrested and taken before a justice of the peace. The
13 sheriff's warrant in such cases is of equal authority with
14 that of a justice of the peace, and when the person
15 charged is brought before the justice, the proceedings
16 shall be the same as in similar cases commenced before a
17 justice, sitting as a court of inquiry.

18 7-91. Sheriff's expenses for holding inquest. The
19 sheriff of each county within this state, when holding an
20 inquest, shall be reimbursed for the actual and necessary
21 personal expenses incurred by holding such inquest.

22 18-173. Qualifications, appointment, duties and
23 salary of undersheriff; deputies, clerks, stenographers
24 and assistants.

25 (a) The sheriff of each county may appoint an under-

1 sheriff who shall be a bona fide resident of such county
2 and shall qualify as required by law. The undersheriff
3 may receive an annual salary not to exceed 95% of the
4 annual salary of the sheriff in their respective counties.
5 The undersheriff shall:

6 (i) Serve and execute process of every kind;
7 (ii) Serve as sheriff and perform all duties
8 of the sheriff in case of death, resig-
9 nation, disability, or when the sheriff
10 for any other reason is unable to per-
11 form his duties, until such time as the
12 board of county commissioners shall fill
13 such vacancy, and the person so
14 appointed shall have qualified in
15 accordance with law, or until the
16 sheriff resumes his duties, as the case
17 may be.

18 (b) The sheriff of each county may, by and with the
19 consent of the board of county commissioners of the
20 respective counties, appoint one or more deputies who may
21 receive an annual salary, fixed by the board of county
22 commissioners not to exceed 90% of such sheriff's salary,
23 and may also appoint such other clerks, stenographers and
24 assistants as may be necessary to properly administer the
25 affairs of the office.

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1 18-186. Other duties of sheriff.

2 (a) In addition to any other duties specified by
3 law, every sheriff shall:

4 (i) Conduct a thorough investigation, with
5 the assistance and advice of the county
6 health officer, or the state medical
7 examiner, to determine the cause of any
8 death in the following cases:

9 (A) All violent deaths, whether appar-
10 ently homicidal, suicidal, or
11 accidental, except deaths due to
12 automobile and aircraft accidents
13 need not be investigated unless
14 the police authority having juris-
15 diction thereof specifically
16 requests an investigation;

17 (B) Deaths due to criminal abortion,
18 whether apparently self-induced or
19 not;

20 (C) Deaths not caused by readily
21 recognizable disease, disability
22 or infirmity where there is a
23 reasonable possibility of criminal
24 action; and

25 (D) Deaths under suspicious circum-

1 stances.

2 (ii) Immediately notify the state medical
3 examiner in any case of death which
4 might constitute a threat to public
5 health;

6 (iii) Prepare and maintain a complete investi-
7 gative report, giving the name, if
8 known, or otherwise identifying every
9 person whose death is investigated, the
10 place where the body was found, the
11 date, the circumstances surrounding the
12 death, and all other relevant informa-
13 tion concerning the death;

14 (iv) Furnish copies of any investigative
15 report or other information to the state
16 medical examiner, any county health
17 officer, or to the county and prosecut-
18 ing attorney having criminal jurisdic-
19 tion, when necessary to the performance
20 of his duties, or upon request;

21 (v) Furnish copies of any investigative
22 report to the attorney general or other
23 law enforcement official upon request.

24 Section 3. Sections 1-40, 7-77, 7-78, 7-80 and 7-89
25 of the statutes are repealed:

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1973

STATE OF WYOMING

LSA-074
GWF

1 Section 4. This act is effective June 1, 1973. As
2 of the effective date, the office of county coroner is
3 abolished and the powers and duties of the office, unless
4 otherwise specified by law, are transferred to the office
5 of county sheriff.

(END)

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