

TITLE 19
CRIMINAL PROCEDURE

CHAPTER 43
CORONER'S INQUESTS

19-4301. COUNTY CORONER TO INVESTIGATE DEATHS. (1) When a county coroner is informed that a person has died, the county coroner shall investigate that death if:

- (a) The death occurred as a result of violence, whether apparently by homicide, suicide or by accident;
- (b) The death occurred under suspicious or unknown circumstances; or
- (c) The death is of a stillborn child or any child if there is a reasonable articulable suspicion to believe that the death occurred without a known medical disease to account for the stillbirth or child's death.

(2) If a death occurs that is not attended by a physician and the cause of death cannot be certified by a physician, the coroner must refer the investigation of the death to the sheriff of the county or the chief of police of the city in which the incident causing the death occurred or, if such county or city is unknown, to the sheriff or chief of police of the county or city where the body was found. The investigation shall be the responsibility of the sheriff or chief of police. Upon completion of the investigation, a written report shall be provided to the coroner of the county in which the death occurred or, if such county is unknown, to the coroner of the county where the body was found.

(3) A coroner in the county where the incident causing the death occurred or, if such county is unknown, the coroner in the county where the body was found, may conduct an inquest if there are reasonable grounds to believe as a result of the investigation that the death occurred as provided in subsection (1) of this section.

(4) If an inquest is to be conducted, the coroner shall summon six (6) persons qualified by law to serve as jurors for the inquest.

(5) Nothing in this section shall be construed to affect the tenets of any church or religious belief.

[19-4301, added 2005, ch. 80, sec. 2, p. 291.]

19-4301A. DEATHS TO BE REPORTED TO LAW ENFORCEMENT OFFICIALS AND CORONER. (1) Where any death occurs which would be subject to investigation by the coroner under section [19-4301](#)(1), Idaho Code, the person who finds or has custody of the body shall promptly notify either the coroner, who shall notify the appropriate law enforcement agency, or a law enforcement officer or agency, which shall notify the coroner. Pending arrival of a law enforcement officer, the person finding or having custody of the body shall take reasonable precautions to preserve the body and body fluids and the scene of the event shall not be disturbed by anyone until authorization is given by the law enforcement officer conducting the investigation.

(2) Except as otherwise provided in subsection (3) of this section, any person who fails to notify the coroner or law enforcement pursuant to subsection (1) of this section shall be guilty of a misdemeanor and shall be punished by up to one (1) year in the county jail or by a fine not to exceed one thousand dollars (\$1,000), or by both such imprisonment and fine.

(3) Any person who, with the intent to prevent discovery of the manner of death, fails to notify or delays notification to the coroner or law en-

forcement pursuant to subsection (1) of this section, shall be guilty of a felony and shall be punished by imprisonment in the state prison for a term not to exceed ten (10) years or by a fine not to exceed fifty thousand dollars (\$50,000) or by both such fine and imprisonment.

[19-4301A, as added by 1961, ch. 262, sec. 3, p. 459; am. 2006, ch. 239, sec. 1, p. 724.]

19-4301B. PERFORMANCE OF AUTOPSIES. The coroner may, in the performance of his duties under this chapter, summon a person authorized to practice medicine and surgery in the state of Idaho to inspect the body and give a professional opinion as to the cause of death. The coroner or the prosecuting attorney may order an autopsy performed if it is deemed necessary accurately and scientifically to determine the cause of death. When an autopsy has been performed, pursuant to an order of a coroner or a prosecuting attorney, no cause of action shall lie against any person, firm or corporation for participating in or requesting such autopsy.

[I.C., sec. 19-4301B, as added by 1961, ch. 262, sec. 4, p. 459.]

19-4301C. RELEASE OF BODY. Where a body is held for investigation or autopsy under this act the coroner shall, if requested by next of kin, release the body for funeral preparation not later than 24 hours after death or discovery of the body, whichever is later. Any district judge may ex parte order the 24 hour period extended upon a showing of reasonable cause by the prosecuting attorney by petition supported by affidavit.

[I.C., sec. 19-4301C, as added by 1961, ch. 262, sec. 5, p. 459.]

19-4301D. CORONER TO MAKE REPORTS. When the cause and manner of death is established under the provisions of this chapter the coroner shall make and file a written report of the material facts concerning the cause and manner of death in the office of the clerk of the district court. The coroner shall promptly deliver to the prosecuting attorney of each county having criminal jurisdiction over the case copies of all records relating to every death as to which further investigation may be advisable. Any prosecuting attorney or other law enforcement official may upon request secure copies of the original of such records or other documents or pertinent objects or information deemed necessary by him to the performance of his official duties.

[I.C., sec. 19-4301D, as added by 1961, ch. 262, sec. 6, p. 459.]

19-4302. JURORS TO BE SWORN. When six (6) or more of the jurors attend, they must be sworn by the coroner to inquire who the person was, and when, where, and by what means he came to his death, and into the circumstances attending his death, and to render a true verdict thereon, according to the evidence offered them.

[(19-4302) 1863, p. 475, sec. 136; R.S., R.C., & C.L., sec. 8378; C.S., sec. 9310; I.C.A., sec. 19-4402; am. 1961, ch. 262, sec. 7, p. 459.]

19-4303. EXAMINATION OF WITNESSES. Coroners may issue subpoenas for witnesses, returnable forthwith, or at such time and place as they may appoint, which may be served by any competent person. They must summon and

examine as witnesses every person who, in their opinion, or that of any of the jury, or the prosecuting attorney, has any knowledge of the facts.

[(19-4303) 1863, p. 475, sec. 137; R.S., R.C., & C.L., sec. 8379; C.S., sec. 9311; I.C.A., sec. 19-4403; am. 1961, ch. 262, sec. 8, p. 459.]

19-4304. COMPELLING ATTENDANCE OF WITNESSES. A witness served with a subpoena may be compelled to attend and testify, or punished by the coroner for disobedience, in like manner as upon a subpoena issued by a magistrate judge.

[(19-4304) 1863, p. 475, sec. 138; R.S., R.C., & C.L., sec. 8380; C.S., sec. 9312; I.C.A., sec. 19-4404; am. 2012, ch. 20, sec. 14, p. 69.]

19-4305. VERDICT OF JURY. After hearing the testimony, the jury must render their verdict and certify the same by an inquisition in writing, signed by them, and setting forth who the person killed is, and when, where, and by what means he came to his death; and if he was killed, or his death occasioned by the act of another, by criminal means, who is guilty thereof.

[(19-4305) 1863, p. 475, sec. 139; R.S., R.C., & C.L., sec. 8381; C.S., sec. 9313; I.C.A., sec. 19-4405; am. 1961, ch. 262, sec. 9, p. 459.]

19-4306. REDUCTION OF TESTIMONY TO WRITING. The testimony of the witnesses examined before the coroner's jury must be reduced to writing by the coroner, or under his direction, and forthwith filed by him with the inquisition, in the office of the clerk of the district court of the county.

[(19-4306) 1863, p. 475, sec. 140; R.S., R.C., & C.L., sec. 8382; C.S., sec. 9314; I.C.A., sec. 19-4406.]

19-4307. TRANSMISSION OF TESTIMONY TO MAGISTRATE. If, however, the person charged with the commission of the offense is arrested before the inquisition can be filed, the coroner must deliver the same, with the testimony taken, to the magistrate before whom such person may be brought, who must return the same, with the depositions and statement taken before him, to the office of the clerk of the district court of the county.

[(19-4307) 1863, p. 475, sec. 141; R.S., R.C., & C.L., sec. 8383; C.S., sec. 9315; I.C.A., sec. 19-4407.]

19-4308. WARRANT FOR ARREST OF ACCUSED. If the jury find that the person was killed by another, under circumstances not excusable or justifiable by law, or that his death was occasioned by the act of another by criminal means, and the party committing the act is ascertained by the inquisition, and is not in custody, the coroner must issue a warrant, signed by him, with his name of office, into one (1) or more counties, as may be necessary, for the arrest of the person charged.

[(19-4308) 1863, p. 475, sec. 142; R.S., R.C., & C.L., sec. 8384; C.S., sec. 9316; I.C.A., sec. 19-4408.]

19-4309. FORM OF WARRANT. The coroner's warrant must be in substantially the following form:

County of

The state of Idaho, to any sheriff, constable, marshal, or policeman in this state:

An inquisition having been this day found by a coroner's jury before me, stating that A.B. has come to his death by the act of C.D., by criminal means (or as the case may be, as found by the inquisition), you are therefore commanded forthwith to arrest the above named C.D., and take him before the nearest or most accessible magistrate in this county.

Given under my hand this day of,

E.F., Coroner of the County of

[(19-4309) 1863, p. 475, sec. 143; R.S., R.C., & C.L., sec. 8385; C.S., sec. 9317; I.C.A., sec. 19-4409; am. 2002, ch. 32, sec. 9, p. 50.]

19-4310. SERVICE OF WARRANT. The coroner's warrant may be served in any county, and the officer serving it must proceed thereon, in all respects, as upon a warrant of arrest on an information before a magistrate; when served in another county it need not be indorsed by a magistrate of that county.

[(19-4310) 1863, p. 475, sec. 144; R.S., R.C., & C.L., sec. 8386; C.S., sec. 9318; I.C.A., sec. 19-4410.]