

## **IC 4-23-6**

### **Chapter 6. Commission on Forensic Sciences**

#### **IC 4-23-6-1**

##### **Creation**

Sec. 1. A commission is created which shall be known as the "commission on forensic sciences". It shall consist of five (5) members appointed by the governor; one (1) shall be a pathologist, one (1) shall be a person engaged in police work, one (1) shall be a coroner, and one (1) shall be a lawyer. The state health commissioner shall be the fifth member of the commission and shall serve as its secretary. In making the appointments, the governor may consult with, but shall not be bound by, the recommendation of organizations representing the categories of appointees. In the first instance one (1) of the members shall be appointed for a term of one (1) year, one (1) of the members shall be appointed for a term of two (2) years, one (1) of the members shall be appointed for a term of three (3) years, and one (1) of the members shall be appointed for a term of four (4) years. Each member shall serve until the member's successor is appointed and has qualified. Members of the commission may be removed by the governor for cause, and any vacancy shall be filled by appointment from the proper category and for the unexpired term. The members shall elect one (1) of their number to serve as chairperson for a period of one (1) year.

*(Formerly: Acts 1959, c.361, s.1.) As amended by P.L.215-2016, SEC.91.*

#### **IC 4-23-6-2**

##### **Membership**

Sec. 2. The membership of the commission shall be appointed not later than July 31, 1959, and the commission shall hold its organization meeting upon call of its secretary within ten (10) days after its members are appointed.

*(Formerly: Acts 1959, c.361, s.2.) As amended by P.L.5-1984, SEC.182.*

#### **IC 4-23-6-3**

##### **Meetings; quorum; per diem and actual expenses**

Sec. 3. The commission shall meet at least once in each two-month period. A majority shall constitute a quorum for the transaction of business and a per diem of ten dollars (\$10) per day, and actual expenses incurred shall be allowed to each member for the member's attendance.

*(Formerly: Acts 1959, c.361, s.3.) As amended by P.L.215-2016, SEC.92.*

#### **IC 4-23-6-4**

##### **Objectives**

Sec. 4. The objectives of the commission shall be to promote in the state of Indiana scientific information and services in pathology, immunology, radiology, photography, psychiatry, dentistry, anthropology and other forensic sciences.

*(Formerly: Acts 1959, c.361, s.4.)*

#### **IC 4-23-6-5**

##### **Powers**

Sec. 5. (a) The powers of the commission shall be as follows:

(1) To establish and maintain a scientific laboratory for research and experimentation. The commission shall not duplicate adequate facilities for experimentation, research, or information which are available to the citizens of the state.

(2) To appoint an administrative director who shall be a physician and should be a pathologist certified by the American Board of Pathology and to select and appoint or accept the loan of other personnel as it deems necessary to carry out its purposes.

(3) To establish and maintain a system of records and to collect data pertinent to the objectives of the commission.

(4) To correlate information concerning forensic science facilities and make this information available to coroners, law enforcement officers, attorneys, and others.

(5) To contract from time to time for the services or opinion of experts in connection with a particular problem or a program of research.

(6) To engage in research and experimentation consistent with the objectives of the commission.

(7) To establish and maintain a forensic sciences library either alone or in cooperation with any other agency of the state, the use of which shall be available to any interested persons.

(8) To engage in and foster programs of information in forensic sciences for interested groups.

(9) To establish from time to time and to promulgate a schedule of reasonable fees and to collect the same for the services of the commission. The considerations in formulating a schedule shall be:

(A) uniformity;

(B) recovery of at least a portion of the cost of furnishing the major services of the commission; and

(C) availability of the services without burdensome expense to officers, agencies, and others in need of the services.

All money received by the commission under this subdivision shall be paid to the commission, which shall give a proper receipt for the same, and shall at the end of each month report to the auditor of state the total amount received by it under the provisions of this subsection, from all sources, and shall at the same time, deposit the entire amount of the receipts with the

treasurer of state, who shall place them to the credit of a special fund to be created and known as the forensic sciences commission laboratory expense fund. The commission shall, by its chairperson from time to time, certify to the auditor of state any necessary laboratory expenses incurred by the commission, and the auditor shall issue the auditor's warrant for the same, which shall be paid out of any funds collected and appropriated to the commission. Payments made by the auditor of state from the forensic sciences commission laboratory expense fund shall be limited so as not to exceed the amounts allotted from this fund by the budget committee.

(10) To accept gifts and grants of money, services, or property and to use the same for any given purpose consistent with the objectives of the commission.

(11) To use the services and facilities of the state department of health, state educational institutions, and hospitals and other agencies supported in whole or in part by public funds.

(12) To establish and maintain branch offices as it considers necessary.

(13) To cooperate with any state or local agency or with any hospital or postsecondary educational institution in any scientific program consistent with the objectives of the commission.

*(Formerly: Acts 1959, c.361, s.5.) As amended by P.L.2-1992, SEC.39; P.L.2-2007, SEC.55; P.L.215-2016, SEC.93.*

#### **IC 4-23-6-6**

##### **Medical examiner system**

Sec. 6. (a) The commission on forensic sciences shall promulgate and adopt rules in accordance with IC 4-22-2 to:

(1) create a medical examiner system to aid, assist, and complement the coroner in the performance of the coroner's duties by providing medical assistance in determining causes of death; and

(2) establish minimum and uniform standards of excellence, performance of duties, and maintenance of records to provide information to the state regarding causes of death for cases investigated.

The commission shall also adopt any other rules that are necessary to carry out the provisions of this section.

(b) The commission shall establish five (5) medical examiner districts within the state, taking into consideration population, geographical size of the area covered, availability of trained personnel, death rate by both natural and unnatural causes, and similar related factors. No county may be divided in the creation of a district.

(c) A district medical examiner shall be appointed by the commission for each district from nominees who are physicians

licensed to practice in Indiana. Nominees must reside in the district they are nominated for, and a preference shall be given to practicing physicians in pathology.

(d) The district medical examiner may appoint as many physicians as associate medical examiners as may be necessary to provide service within the district. The associate examiners shall be licensed to practice in Indiana with a preference to practicing pathologists.

(e) District and associate medical examiners may engage in the private practice of medicine or surgery in addition to their duties as medical examiners.

(f) The district and associate medical examiners shall, at the request of coroners in their districts:

- (1) provide medical assistance in investigating deaths;
- (2) provide or contract for laboratory facilities for performing autopsies and investigations;
- (3) provide for the keeping of reports of all investigations and examinations; and
- (4) provide other functions which may be specified in rules adopted by the commission.

(g) A district or associate medical examiner who performs a medical examination or autopsy under the direction of a coroner is immune from civil liability for performing the examination or autopsy.

*As added by Acts 1981, P.L.39, SEC.1. Amended by P.L.215-2016, SEC.94.*