

## **CHAPTER 12-45 DEATH OF INMATES**

### **12-45-01. Inquest required.**

If a person confined in the penitentiary or the North Dakota youth correctional center dies, the warden or superintendent immediately shall notify the coroner of Burleigh County or Morton County, as the case may be, or when there is a vacancy in the office, or the coroner is absent or unable to act, the state forensic examiner. The coroner or the state forensic examiner so notified immediately shall take possession of the body of the deceased and remove the body from the penitentiary or North Dakota youth correctional center and retain the body for at least twenty-four hours, and shall hold an inquest thereon and inquire carefully into the cause of the deceased's death, in the manner provided by law in cases of persons supposed to have died by unlawful means. No officer or employee of the penitentiary or North Dakota youth correctional center may be placed or permitted to serve on the jury at the inquest.

### **12-45-02. Inquest open to all persons - Exception.**

The inquest provided for in section 12-45-01 shall be open to all persons who may wish to attend it, under such rules and regulations as the officer in charge may establish for the orderly conduct of the business. All persons may be excluded from the presence of the body of the deceased whenever there is danger of contracting or spreading a contagious disease, and all spectators may be excluded from the room where the inquest is being held while any officer, employee, or inmate of the institution is being examined.

### **12-45-03. Who may be required to testify - Procedure.**

The officer holding the inquest provided for in section 12-45-01 may require any inmate of the penitentiary or North Dakota youth correctional center to testify at the inquest. The warden or superintendent shall produce before such inquest any inmate of the penitentiary or North Dakota youth correctional center upon the written request of the officer holding the inquest. Any such inmate shall be accompanied by such officer as the warden or superintendent may designate and as may be necessary to prevent the inmate's escape, and when no longer required before the inquest, the inmate must be returned immediately to the institution of which the person is an inmate. The testimony of each witness taken at the inquest shall be reduced to writing under the order of the officer holding the inquest and subscribed by the witness. The proceedings of the jury shall be as provided in other cases of inquest held by the coroner.

### **12-45-04. Return of inquest.**

The officer holding the inquest provided for in section 12-45-01, within ten days after its conclusion, shall return the inquisition of the jury, the written testimony of the witnesses, and a list of the witnesses who testified to material matter at such inquest, to the clerk of the district court of Burleigh or Morton County, as the case may be, and the clerk shall file and retain the same in his office as a public record.

### **12-45-05. Burial of body.**

The officer holding the inquest provided for in section 12-45-01 shall cause the body of the deceased to be decently buried, or delivered to the relatives or friends of the deceased, if demanded by them within twenty-four hours after the receipt of such body by the officer, or at any time before its burial.

### **12-45-06. Expenses of inquest - Report of officer - Payment - Burial expense limited.**

The officer holding the inquest shall make an itemized statement and report, verified by the officer's oath, showing in detail the expenses of the inquest and for what and to whom all items of fees, services, or supplies are payable. The fees of the officer holding the inquest and of the jurors, witnesses, and physicians shall be the same as in other cases of inquest, but no officer or inmate of the penitentiary or North Dakota youth correctional center shall be entitled to any fee or other allowance on account of any service rendered at the inquest. The expense of the

burial of the body, exclusive of the fees allowed by law to officers, jurors, physicians, and witnesses, shall not exceed the sum allowed to bury public welfare cases in accordance with section 23-06-03. All claims arising out of such inquest shall be audited and separate warrants shall be drawn upon the state treasurer for the amount allowed to each person named in the statement and report of the officer conducting the inquest, and the warrants shall be paid out of the state treasury.

**12-45-07. Effects of deceased - Sale - Money received.**

Repealed by S.L. 1975, ch. 425, § 29.