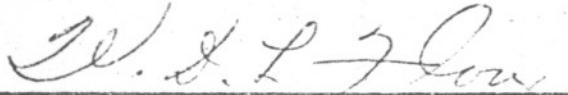


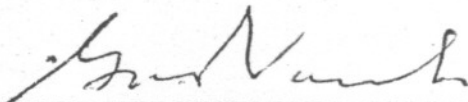
CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 74, "An Act to repeal and re-enact Chapter II of Title XLVII of the Government Code of Guam to establish the Commission on Post-Mortem Examinations and the Office of Post-Mortem Examination and for related purposes", was on the 13th day of April, 1971, duly and regularly passed.



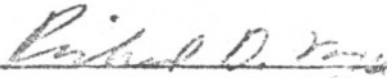
W. D. L. FLORES
Vice-Speaker

ATTESTED:



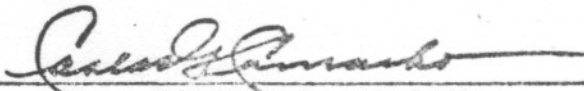
G. M. BAMBA
Legislative Secretary

This Act was received by the Governor this 27th day
of April, 1971 at 9:55 o'clock A. M.



RICHARD D. MAGEE
Acting Attorney General of Guam

APPROVED:



CARLOS G. CAMACHO
Governor of Guam

DATED: MAY 8 1971

6:00 P.M.

Public Law
11-37

Bill No. 74

Introduced by _____
G. M. Bamba

AN ACT TO REPEAL AND RE-ENACT CHAPTER II OF
TITLE XLVII OF THE GOVERNMENT CODE OF GUAM
TO ESTABLISH THE COMMISSION ON POST-MORTEM
EXAMINATIONS AND THE OFFICE OF POST-MORTEM
EXAMINATIONS AND FOR RELATED PURPOSES.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

2 Section 1. Chapter II of Title XLVII of the Government Code
3 of Guam is hereby repealed in its entirety and a new Chapter II
4 is hereby added to Title XLVII to read as follows:

5 "CHAPTER II

6 Post-Mortem Examinations Act

7 Section 49100. Commission on Post-Mortem
8 Examinations

9 Section 49101. Office of Post-Mortem
10 Examinations

11 Section 49102. Chief Medical Examiner

12 Section 49103. Deaths to be investigated

13 Section 49104. Autopsies

14 Section 49105. Cooperative action

15 Section 49106. Laboratories

16 Section 49107. Rules and regulations

17 Section 49108. Records and reports

18 Section 49109. Records as evidence

19 Section 49110. Severability

20 Section 49100. Commission on Post-Mortem Examinations.

21 Commission on Post-Mortem Examinations is hereby established.

22 The members of the Commission shall be the Attorney General,
23 the Director of Public Safety, the Director of the Depart-
24 ment of Public Health and Social Services, the President
25 of the Guam Medical Society, and the Administrator

1 of Guam Memorial Hospital. The Commission shall
2 elect one of its members as Chairman and one as
3 Vice-Chairman. Members of the Commission shall
4 receive no compensation but they shall be repaid
5 their actual expenses incurred in service of the
6 Commission. The Commission shall meet as often as
7 the duties require, and upon call of the Chief
8 Medical Examiner.

9 Section 49101. Office of Post-Mortem Examinations.
10 The Office of Post-Mortem Examinations is hereby es-
11 tablished, to be operated under the control and super-
12 vision of the Commission. The Office shall be directed
13 by a Chief Medical Examiner, and may employ such
14 assistant medical examiners, pathologists, toxico-
15 logists, laboratory technicians, regional medical
16 examiners and other staff members as the Commission
17 may specify. The Commission shall in advance of
18 appointments specify the qualifications required for
19 each position in terms of education, experience and
20 other relevant considerations. Staff members other
21 than Medical Examiner, shall be subject to such
22 rules, as the Commission may prescribe, provided
23 that such rules shall conform to the Civil Service
24 laws of this territory.

25 Section 49102. Chief Medical Examiner. The
26 Chief Medical Examiner shall be a citizen or a per-
27 manent resident of the United States and a physician
28 licensed in Guam who has had a minimum of two years
29 post-graduate training in pathology. He shall be
30 named by the Commission to serve for such term and
31 at such salary as the Commission may fix. He may as
32 part of his duties teach Medical or Law School classes,

1 conduct special classes for police investigators,
2 and engage in other activities related to the work
3 of his office to such extent and on such terms as
4 may be authorized by the Commission. Similar
5 authorizations may be given by the Commission to
6 other members of the staff. He shall serve as
7 Secretary to the Commission.

8 Section 49103. Deaths to be investigated. The
9 Office of Post-Mortem Examinations shall investigate
10 all human deaths providing such deaths in the opinion
11 of the Chief Medical Examiner arose from the follow-
12 ing causes:

13 (a) Violent deaths, whether apparently
14 homicidal, suicidal, or accidental, including
15 but not limited to deaths due to thermal,
16 chemical, electrical or radiational injury,
17 and deaths due to criminal abortion, whether
18 apparently self-induced or not;

19 (b) Sudden deaths not caused by
20 readily recognizable disease;

21 (c) Deaths under suspicious circumstances;

22 (d) Deaths of persons whose bodies are to
23 be cremated, dissected, buried at sea, or other-
24 wise disposed of so as to be thereafter unavail-
25 able for examinations.

26 Section 49104. Autopsies. Autopsies may be
27 conducted by the Office of Post-Mortem Examinations in
28 the following cases:

29 (a) Deaths caused by violent deaths whether
30 apparently homicidal, suicidal, or accidental,
31 including but not limited to deaths due to
32 thermal, chemical, electrical or radiational

1 guilty of a misdemeanor and upon conviction shall be
2 fined not less than \$50.00 and not more than \$500.00.

3 Section 49106. Laboratories. The Office of Post-
4 Mortem Examinations shall maintain a laboratory or
5 laboratories suitably equipped with medical, scientific
6 and other facilities for performance of the duties
7 imposed by this Act. Laboratories may be maintained,
8 in collaboration with Department of Public Safety,
9 Guam Memorial Hospital and other agencies in the
10 territory which have facilities that can be usefully
11 employed in performing the duties of the Office. The
12 manner of compliance with this section shall be in the
13 discretion of the Commission.

14 Section 49107. Rules and regulations. Subject to
15 the Administrative Adjudication Act, the Commission may
16 promulgate rules and regulations necessary or appropriate
17 to carry out effectively the provisions of this Act.

18 Section 49108. Records and reports. The Office of
19 Post-Mortem Examinations shall keep full and complete
20 records, properly indexed, giving the name, if known,
21 of every person whose death is investigated, the place
22 where the body was found, the date, cause and manner of
23 death, and all other relevant information concerning
24 the death, and shall issue a death certificate. The
25 full report and detailed findings of the autopsy, if
26 any, shall be a part of the record in each case. The
27 Office shall promptly deliver to the prosecuting
28 attorney having criminal jurisdiction over the case
29 copies of all records relating to every death as to
30 which further investigation may be advisable. The
31 Attorney General or Director of Public Safety may
32 upon request secure copies of such records or other

1 information deemed necessary by him to the performance
2 of his official duties. Private persons may obtain
3 copies of records upon such conditions and payment
4 of such fees as may be prescribed by the Commission
5 provided no person with a legitimate interest therein
6 shall be denied access thereto.

7 Section 49109. Records as evidence. The records
8 of the Office of Post-Mortem Examinations, or transcripts
9 thereof certified by the Chief Medical Examiner, are
10 admissible in evidence in any court of this territory,
11 except that statements by witnesses or other persons
12 and conclusions upon extraneous matters are not hereby
13 made admissible. The person preparing a report or record
14 given in evidence hereunder may be subpoenaed as a
15 witness, in any civil or criminal case, by any party
16 to the cause.

17 Section 49110. Severability. If any provision or
18 application of this Act is held invalid, such invalidity
19 shall not affect other provisions or application of the
20 Act which can be given effect without the invalid pro-
21 visions or application, and to this end the provisions
22 of this Act are declared to be severable."

23 Section 2. This Act shall take effect ninety (90) days
24 after approval by the Governor.

25 Section 3. This Act is an urgency measure.