
A BILL FOR AN ACT

RELATING TO CORONERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that coroners should be
2 separate from law enforcement and free to make independent
3 judgments when investigating deaths. Under current state law,
4 the chief of police for a county serves as the ex officio
5 coroner if the county does not have a medical examiner. The
6 ethical concerns with this dual role were illustrated by the
7 2023 wildfires on the island of Maui, where questions existed
8 about police behavior during wildfire evacuations. Allowing
9 Maui's chief of police to oversee death investigations,
10 including death counts and cause of death determinations, raised
11 public concerns about police accountability and government
12 transparency.

13 The legislature believes that making coroners independent
14 from law enforcement will promote transparency, avoid conflicts
15 of interest, and encourage more confidence in coroners' rulings.

16 Accordingly, the purpose of this Act is to:



1 (1) Require the mayor of each county to appoint, and the
2 respective county or city council to confirm, a county
3 medical examiner; and

4 (2) Provide that the medical examiner for each county
5 shall serve as the county's coroner.

6 SECTION 2. Section 841-1, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "§841-1 [~~Who are coroners.~~] Medical examiners and county
9 coroners. (a) The mayor of each county shall appoint, and the
10 respective county council or city council shall confirm, a
11 medical examiner to perform medical investigation services
12 establishing the cause of any unattended death in the respective
13 county. The medical examiner shall be exempt from chapter 76.

14 (b) Each medical examiner shall be licensed as a physician
15 under chapter 453 and certified as an anatomic or forensic
16 pathologist by the American Board of Pathology.

17 (c) The [~~chief of police or his authorized subordinate of~~
18 ~~the counties of Hawaii, Maui, and Kauai, and the~~] medical
19 examiner of [~~the city and county of Honolulu,~~] each county
20 shall, ex officio, be the coroner for [~~his~~] that respective
21 county."



1 SECTION 3. Section 841-14, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§841-14 Autopsies and further investigations. [†] (a) [†]

4 If, in the opinion of the coroner, [~~er of the~~] coroner's
5 physician, [~~er of the~~] prosecuting attorney, or [~~of the~~] chief
6 of police [~~(in the city and county of Honolulu)~~], an autopsy of
7 the remains of any human body appearing to have come to death
8 under any of the circumstances set forth in section 841-3 is
9 necessary in the interest of the public safety or welfare, that
10 person shall cause [~~to have~~] an autopsy to be performed [~~—such~~
11 ~~an autopsy~~]. If, in the opinion of the coroner's physician, a
12 further or additional investigation as to the cause of death is
13 necessary, the coroner's physician may conduct the same or have
14 the same made, and the expenses thereof shall be paid by the
15 county concerned, and for this purpose, the coroner's physician
16 shall have the duties and powers conferred upon the coroner or
17 deputy coroner by sections 841-4 to 841-8.

18 [†] (b) [†] Any law to the contrary notwithstanding, the
19 coroner or coroner's physician [~~er medical examiner~~] of any
20 county [~~(including the city and county of Honolulu)~~] may cause
21 to have performed an autopsy to determine cause of death upon



1 the remains of any human body which is brought into or found
2 within the State and which appears to have ~~[come to death]~~ died
3 under any of the circumstances set forth in section 841-3, even
4 though ~~[such]~~ the circumstances may have occurred without the
5 State. The coroner or coroner's physician ~~[or medical examiner]~~
6 of any county ~~[(including the city and county of Honolulu)]~~
7 shall have the right to retain tissues, including fetal
8 material, of the body removed at the time of autopsy to be used
9 for necessary or advisable scientific investigation, including
10 research, teaching, and therapeutic purposes."

11 SECTION 4. Section 841-17, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "§841-17 **Hospital records.** The chief of police ~~[of the~~
14 ~~city and county of Honolulu]~~ or the chief's deputy, ~~[and the]~~
15 coroner or deputy coroner, and ~~[the]~~ coroner's physician may
16 examine the records of any hospital relating to any patient of
17 the hospital in connection with any investigation under this
18 chapter. The hospital may require written proof signed by the
19 coroner of the fact of the investigation and of the authority of
20 the person desiring to examine the records."



1 SECTION 5. Section 841-18, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§841-18 Coroner's physician; laboratory facilities. [The
4 ~~medical examiner or any of the medical examiner's assistants in~~
5 ~~the city and county of Honolulu, and any]~~ Any experienced or
6 qualified government physician designated by the coroner in [~~the~~
7 ~~counties of Hawaii, Maui, and Kauai,~~] each county shall be the
8 coroner's physician for [~~such~~] that county or city and county.

9 The facilities of the laboratories of the state department of
10 health shall be made available to the coroner's physician.

11 [~~The~~] As used in this section, the term [~~government physician as~~
12 ~~used in this chapter~~] "government physician" means a physician
13 employed by the State or any of its political subdivisions."

14 SECTION 6. Section 844D-102, Hawaii Revised Statutes, is
15 amended by amending subsection (b) to read as follows:

16 "(b) Nothing in this chapter shall be construed to limit
17 the authority of the [~~medical examiner of the city and county of~~
18 ~~Honolulu or~~] county coroners or their agents, in the course of
19 their scientific investigation, to use genetic and DNA
20 technology to inquire into and determine the circumstances,
21 manner, and cause of death, or to employ or use outside



1 laboratories, hospitals, or research institutions that use
2 genetic and DNA technology."

3 SECTION 7. Sections 6E-43.6, 321-342, 321-471, 321-502,
4 324-1, 327-22, 327-23, 327-32, 560:3-1212, and 841-14.6, Hawaii
5 Revised Statutes, are amended by substituting the word "coroner"
6 wherever the phrase "medical examiner or coroner" or "coroner or
7 medical examiner" appears, as the context requires.

8 SECTION 8. Section 52D-4, Hawaii Revised Statutes, is
9 repealed.

10 [~~"[§52D-4] Ex officio coroner. Where there is no other~~
11 ~~county medical examiner, the chief of police or any duly~~
12 ~~authorized subordinate shall be ex officio county coroner. An~~
13 ~~ex officio county coroner shall have all the powers and perform~~
14 ~~all the duties of coroner, within that county, as provided by~~
15 ~~law."]~~

16 SECTION 9. In accordance with section 9 of article VII, of
17 the Constitution of the State of Hawaii and sections 37-91 and
18 37-93, Hawaii Revised Statutes, the legislature has determined
19 that the appropriations contained in this Act will cause the
20 state general fund expenditure ceiling for fiscal year 2024-2025
21 to be exceeded by \$, or per cent. The reasons



1 for exceeding the general fund expenditure ceiling are that the
2 appropriations made in this Act are necessary to serve the
3 public interest and to meet the need provided for by this Act.

4 SECTION 10. The appropriation contained in this Act
5 constitute the State's share of costs as required under Article
6 VIII, section 5 of the Hawaii State Constitution.

7 SECTION 11. There is appropriated out of the general
8 revenues of the State of Hawaii the sum of \$ or so
9 much thereof as may be necessary for fiscal year 2024-2025 for
10 the establishment of a county medical examiner position.

11 The sum appropriated shall be expended by the county of
12 Maui for the purposes of this Act.

13 SECTION 12. There is appropriated out of the general
14 revenues of the State of Hawaii the sum of \$ or so
15 much thereof as may be necessary for fiscal year 2024-2025 for
16 the establishment of a county medical examiner position.

17 The sum appropriated shall be expended by the county of
18 Hawaii for the purposes of this Act.

19 SECTION 13. There is appropriated out of the general
20 revenues of the State of Hawaii the sum of \$ or so



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1 much thereof as may be necessary for fiscal year 2024-2025 for
2 the establishment of a county medical examiner position.

3 The sum appropriated shall be expended by the county of
4 Kauai for the purposes of this Act.

5 SECTION 14. No later than _____ days after the effective
6 date of this act, or no later than _____ days after a vacancy
7 occurs in the county's medical examiner position, the mayor of
8 each county shall appoint, and the respective county or city
9 council shall confirm, a county medical examiner pursuant to
10 section 841-1(a) and (b), Hawaii Revised Statutes.

11 SECTION 15. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 16. This Act shall take effect on July 1, 2024.

14

INTRODUCED BY:

Kareem Soule

JAN 19 2024



H.B. NO. 2150

Report Title:

Medical Examiners; County Coroners; Appropriations; General Fund Expenditure Ceiling Exceeded

Description:

Requires the mayor of each county to appoint, and the county council or city council to confirm, a county medical examiner. Provides that the medical examiner for each county shall serve as the county's coroner. Makes conforming amendments. Appropriates moneys to the counties of Maui, Hawaii, and Kauai for the establishment of county medical examiner positions. Declares that the appropriations exceed the general fund expenditure ceiling for 2024-2025.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

