

## CHAPTER 280

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**GOVERNMENT - COUNTY**


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**HOUSE BILL 03-1105**

BY REPRESENTATIVE(S) Witwer, Ragsdale, Romanoff, Stafford, Weddig, and May M.;  
also SENATOR(S) Evans, Entz, and Taylor.

**AN ACT****CONCERNING QUALIFICATIONS OF COUNTY CORONERS.**

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** 1-4-206, Colorado Revised Statutes, is amended to read:

**1-4-206. Other county officers.** At the general election in 1982 and every four years thereafter, one county clerk and recorder, who shall be ex officio recorder of deeds and clerk of the board of county commissioners; one sheriff qualified pursuant to section 30-10-501.5, C.R.S.; one coroner QUALIFIED PURSUANT TO SECTION 30-10-601.5, C.R.S.; one treasurer, who shall be collector of taxes; one county superintendent of schools, unless the office of county superintendent of schools is abolished at a general election; one county surveyor; and one county assessor shall be elected in each county, excluding a city and county. The term of office of all such officials shall be four years.

**SECTION 2.** 25-1.5-101 (1), Colorado Revised Statutes, as enacted by Senate Bill 03-002, enacted at the First Regular Session of the Sixty-fourth General Assembly, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**25-1.5-101. Powers and duties of the department.** (1) The department has, in addition to all other powers and duties imposed upon it by law, the powers and duties provided in this section as follows:

(z) TO PERFORM THE DUTIES SPECIFIED IN PART 6 OF ARTICLE 10 OF TITLE 30, C.R.S., RELATING TO THE COLORADO CORONERS STANDARDS AND TRAINING BOARD.

**SECTION 3.** Part 6 of article 10 of title 30, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

**30-10-601.5. Qualifications - fingerprints.** (1) A PERSON IS ELIGIBLE TO HOLD THE OFFICE OF CORONER IF THE PERSON:

(a) IS A CITIZEN OF THE UNITED STATES AND A RESIDENT OF THE STATE OF COLORADO AND OF THE COUNTY IN WHICH THE PERSON WILL HOLD THE OFFICE OF CORONER;

(b) HAS EARNED A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT OR A COLLEGE DEGREE; AND

(c) HAS GIVEN A SET OF FINGERPRINTS IN ACCORDANCE WITH SUBSECTION (2) OF THIS SECTION.

(2) (a) A PERSON WHO IS NOMINATED BY A POLITICAL PARTY OR FOR WHOM A NOMINATING PETITION IS FILED FOR THE OFFICE OF CORONER SHALL HAVE A COMPLETE SET OF FINGERPRINTS TAKEN BY A QUALIFIED LAW ENFORCEMENT AGENCY AND SUBMIT PROOF OF SUCH FINGERPRINTING WHEN FILING A WRITTEN ACCEPTANCE PURSUANT TO SECTION 1-4-601 (3), 1-4-906, OR 1-4-1002 (5), C.R.S.

(b) A PERSON WISHING TO BE A WRITE-IN CANDIDATE FOR THE OFFICE OF CORONER SHALL HAVE A COMPLETE SET OF FINGERPRINTS TAKEN BY A QUALIFIED LAW ENFORCEMENT AGENCY AND SUBMIT PROOF OF SUCH FINGERPRINTING WHEN FILING AN AFFIDAVIT OF INTENT PURSUANT TO SECTION 1-4-1101, C.R.S.

(c) A BOARD OF COUNTY COMMISSIONERS SHALL NOT APPOINT A PERSON TO FILL A VACANCY IN THE OFFICE OF CORONER UNLESS THE PERSON HAS HAD A COMPLETE SET OF FINGERPRINTS TAKEN BY A QUALIFIED LAW ENFORCEMENT AGENCY AND HAS SUBMITTED PROOF OF SUCH FINGERPRINTING TO THE BOARD.

(3) (a) A LAW ENFORCEMENT AGENCY THAT TAKES FINGERPRINTS IN ACCORDANCE WITH SUBSECTION (2) OF THIS SECTION SHALL FORWARD THE FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A STATE AND NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK UTILIZING THE RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION. THE COLORADO BUREAU OF INVESTIGATION SHALL REPORT THE RESULTS OF THE CRIMINAL HISTORY RECORD CHECK TO THE COUNTY CLERK AND RECORDER OF THE COUNTY IN WHICH THE PERSON HAS BEEN NOMINATED FOR OR IS TO BE APPOINTED TO THE OFFICE OF CORONER.

(b) A PERSON WHO HAS BEEN CONVICTED OF OR PLEADED GUILTY OR ENTERED A PLEA OF NOLO CONTENDERE TO ANY FELONY CHARGE UNDER FEDERAL OR STATE LAW IS UNQUALIFIED FOR THE OFFICE OF CORONER UNLESS PARDONED. THE RESULTS OF THE CRIMINAL HISTORY RECORD CHECK PERFORMED IN ACCORDANCE WITH THIS SUBSECTION (3) SHALL BE CONFIDENTIAL; EXCEPT THAT THE COUNTY CLERK AND RECORDER MAY DISCLOSE WHETHER A PERSON IS QUALIFIED OR UNQUALIFIED FOR THE OFFICE OF CORONER.

**30-10-601.6. Coroners standards and training board - repeal.** (1) THERE IS HEREBY CREATED IN THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT THE COLORADO CORONERS STANDARDS AND TRAINING BOARD, REFERRED TO IN THIS PART 6 AS THE "C.C.S.T. BOARD".

(2) THE C.C.S.T. BOARD SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS UNDER THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AS IF TRANSFERRED TO THE DEPARTMENT BY A **TYPE 2** TRANSFER, AS SUCH TRANSFER IS DEFINED IN THE "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF TITLE 24, C.R.S.

(3) (a) THE C.C.S.T. BOARD SHALL CONSIST OF EIGHT MEMBERS. THE CHAIRPERSON AND THE VICE-CHAIRPERSON OF THE C.C.S.T. BOARD SHALL BE ELECTED ANNUALLY BY THE MEMBERS OF THE C.C.S.T. BOARD.

(b) THE MEMBERS OF THE C.C.S.T. BOARD SHALL BE:

(I) A CORONER OF A COUNTY WITH A POPULATION OF FIFTY THOUSAND OR MORE;

(II) A CORONER OF A COUNTY WITH A POPULATION OF LESS THAN FIFTY THOUSAND BUT MORE THAN FIFTEEN THOUSAND;

(III) A CORONER OF A COUNTY WITH A POPULATION OF FIFTEEN THOUSAND OR LESS;

(IV) A COUNTY COMMISSIONER OF A COUNTY WITH A POPULATION OF FIFTY THOUSAND OR MORE;

(V) A COUNTY COMMISSIONER OF A COUNTY WITH A POPULATION OF LESS THAN FIFTY THOUSAND;

(VI) A PATHOLOGIST WHO IS ACTIVELY ENGAGED IN PERFORMING POSTMORTEM EXAMINATIONS FOR A COUNTY IN THIS STATE AND WHO IS A MEMBER OF THE COLORADO MEDICAL SOCIETY;

(VII) A CHIEF OF POLICE FROM A MUNICIPALITY IN THIS STATE OR A COUNTY SHERIFF; AND

(VIII) A DISTRICT ATTORNEY FROM A JUDICIAL DISTRICT IN THIS STATE.

(c) THE GOVERNOR SHALL APPOINT EACH MEMBER OF THE C.C.S.T. BOARD FOR A TERM OF THREE YEARS; EXCEPT THAT, OF THE MEMBERS INITIALLY APPOINTED, THREE MEMBERS SHALL BE APPOINTED FOR A TERM OF THREE YEARS, THREE MEMBERS SHALL BE APPOINTED FOR A TERM OF TWO YEARS, AND TWO MEMBERS SHALL BE APPOINTED FOR A TERM OF ONE YEAR.

(d) IF A COUNTY CORONER, COUNTY COMMISSIONER, COUNTY SHERIFF, CHIEF OF POLICE, OR DISTRICT ATTORNEY LEAVES THAT OFFICE, THAT PERSON'S TERM ON THE C.C.S.T. BOARD SHALL EXPIRE. THE GOVERNOR SHALL APPOINT A SUITABLE PERSON TO FILL THE VACANCY ON THE C.C.S.T. BOARD FOR THE UNEXPIRED TERM.

(4) THE MEMBERS OF THE C.C.S.T. BOARD SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES BUT MAY BE REIMBURSED FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES.

(5) (a) ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, THE EXECUTIVE

DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT MAY ACCEPT GIFTS, GRANTS, AND DONATIONS TO COVER THE COSTS INCURRED IN THE ESTABLISHMENT AND OPERATION OF THE C.C.S.T. BOARD. SUCH GIFTS, GRANTS, AND DONATIONS RECEIVED SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE MONEYS TO THE CORONER TRAINING FUND CREATED IN SECTION 30-10-601.8 (5). THE STATE TREASURER SHALL REPORT THE TOTAL AMOUNT OF GIFTS, GRANTS, AND DONATIONS TRANSMITTED PURSUANT TO THIS SECTION AS OF JULY 1, 2005, TO THE REVISOR OF STATUTES. ANY UNENCUMBERED MONEYS REMAINING IN THE FUND UPON THE REPEAL OF THIS SECTION SHALL BE TRANSFERRED TO THE GENERAL FUND.

(b) THIS SECTION AND SECTIONS 30-10-601.7, 30-10-601.8, AND 30-10-601.9 ARE REPEALED, EFFECTIVE JULY 1, 2005, UNLESS THE TOTAL AMOUNT OF GIFTS, GRANTS, AND DONATIONS TRANSMITTED TO THE STATE TREASURER AS REPORTED TO THE REVISOR OF STATUTES PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (5) IS NOT LESS THAN TWENTY THOUSAND DOLLARS AS OF JULY 1, 2005.

(6) THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT IN COORDINATION WITH THE C.C.S.T. BOARD SHALL HIRE AN INDEPENDENT CONTRACTOR TO PERFORM ADMINISTRATIVE DUTIES RELATED TO THE ESTABLISHMENT AND OPERATION OF THE C.C.S.T. BOARD.

**30-10-601.7. Duties of the Colorado coroners standards and training board.**

(1) IN ADDITION TO ITS OTHER DUTIES SET FORTH IN THIS PART 6, THE C.C.S.T. BOARD SHALL:

(a) DEVELOP A CURRICULUM FOR A FORTY-HOUR TRAINING COURSE FOR NEW CORONERS AND APPROVE THE QUALIFICATIONS OF THE INSTRUCTORS WHO TEACH THE COURSE;

(b) APPROVE TRAINING PROVIDERS TO CERTIFY CORONERS IN BASIC MEDICAL-LEGAL DEATH INVESTIGATION PURSUANT TO SECTION 30-10-601.8 (2); AND

(c) APPROVE TRAINING PROVIDERS AND PROGRAMS USED TO FULFILL THE ANNUAL SIXTEEN-HOUR IN-SERVICE TRAINING REQUIREMENT SPECIFIED IN SECTION 30-10-601.8 (3).

**30-10-601.8. Training - fees - coroner training fund.** (1) A PERSON WHO IS ELECTED OR APPOINTED TO THE OFFICE OF CORONER FOR THE FIRST TIME SHALL ATTEND, AT THE FIRST OPPORTUNITY AFTER THE ELECTION OR APPOINTMENT, A TRAINING COURSE FOR NEW CORONERS OF AT LEAST FORTY HOURS USING THE CURRICULUM DEVELOPED BY THE C.C.S.T. BOARD. THE COURSE SHALL BE PREPARED AND PRESENTED BY QUALIFIED INSTRUCTORS FROM THE COLORADO CORONERS ASSOCIATION OR ANOTHER TRAINING PROVIDER APPROVED BY THE C.C.S.T. BOARD. AT THE REQUEST OF A NEW CORONER, THE C.C.S.T. BOARD MAY DECIDE THAT A COMBINATION OF EDUCATION, EXPERIENCE, AND TRAINING SATISFIES THE REQUIREMENT TO COMPLETE THE TRAINING COURSE FOR NEW CORONERS.

(2) A PERSON WHO IS ELECTED OR APPOINTED TO THE OFFICE OF CORONER FOR THE FIRST TIME SHALL, WITHIN ONE YEAR OF TAKING OFFICE, OBTAIN CERTIFICATION IN BASIC MEDICAL-LEGAL DEATH INVESTIGATION FROM THE COLORADO CORONERS

ASSOCIATION OR ANOTHER TRAINING PROVIDER APPROVED BY THE C.C.S.T. BOARD. THE C.C.S.T. BOARD MAY GRANT AN EXTENSION OF UP TO ONE YEAR TO OBTAIN SUCH CERTIFICATION FOR JUST CAUSE. THE C.C.S.T. BOARD SHALL ISSUE WRITTEN FINDINGS OF FACT SUPPORTING THE EXTENSION.

(3) EACH CORONER SHALL COMPLETE A MINIMUM OF SIXTEEN HOURS OF IN-SERVICE TRAINING PROVIDED BY THE COLORADO CORONERS ASSOCIATION OR BY ANOTHER TRAINING PROVIDER APPROVED BY THE C.C.S.T. BOARD DURING EACH YEAR OF THE CORONER'S TERM. AT THE REQUEST OF A CORONER, THE C.C.S.T. BOARD MAY DECIDE THAT A COMBINATION OF EDUCATION, EXPERIENCE, AND TRAINING SATISFIES THE REQUIREMENT TO COMPLETE SIXTEEN HOURS OF IN-SERVICE TRAINING ANNUALLY.

(4) THE COUNTY SHALL PAY THE COSTS OF NEW CORONER AND IN-SERVICE TRAINING. THE FEES CHARGED BY THE C.C.S.T. BOARD FOR TRAINING PROGRAMS MAY INCLUDE COSTS INCURRED IN THE ESTABLISHMENT AND OPERATION OF THE C.C.S.T. BOARD.

(5) THE C.C.S.T. BOARD SHALL BY RULE ESTABLISH FEES FOR TRAINING PROGRAMS. ALL FEES COLLECTED SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE CORONER TRAINING FUND, WHICH FUND IS HEREBY CREATED. THE MONEYS IN THE FUND ARE HEREBY CONTINUOUSLY APPROPRIATED TO THE C.C.S.T. BOARD FOR THE PURPOSES OF THIS PART 6. IN ACCORDANCE WITH SECTION 24-36-114, C.R.S., ALL INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE GENERAL FUND.

**30-10-601.9. Enforcement.** (1) IF A CORONER FAILS TO COMPLY WITH THE REQUIREMENTS OF SECTION 30-10-601.8, THE C.C.S.T. BOARD SHALL NOTIFY THE BOARD OF COUNTY COMMISSIONERS THAT THE CORONER IS NOT IN COMPLIANCE WITH THE TRAINING REQUIREMENTS OF SECTION 30-10-601.8 AND THAT STATE LAW REQUIRES THE COUNTY COMMISSIONERS TO SUSPEND THE CORONER'S SALARY. UPON RECEIPT OF SUCH NOTICE, THE BOARD OF COUNTY COMMISSIONERS SHALL SUSPEND THE CORONER'S SALARY.

(2) IF THE C.C.S.T. BOARD DETERMINES THAT A CORONER WHOSE SALARY HAS BEEN SUSPENDED IN ACCORDANCE WITH SUBSECTION (1) OF THIS SECTION IS IN COMPLIANCE WITH THE TRAINING REQUIREMENTS OF SECTION 30-10-601.8, THE C.C.S.T. BOARD SHALL NOTIFY THE BOARD OF COUNTY COMMISSIONERS THAT THE CORONER IS IN COMPLIANCE WITH THE TRAINING REQUIREMENTS AND THAT STATE LAW REQUIRES THE BOARD OF COUNTY COMMISSIONERS TO REINSTATE THE CORONER'S SALARY WITH BACK PAY. UPON RECEIPT OF SUCH NOTICE, THE BOARD OF COUNTY COMMISSIONERS SHALL REINSTATE THE CORONER'S SALARY WITH BACK PAY.

**SECTION 4. Repeal.** 30-10-601 (1) (a), Colorado Revised Statutes, is repealed as follows:

~~**30-10-601. Coroner - election - bond - authority.** (1) (a) It is the intent of the general assembly to encourage candidates for the office of county coroner to possess knowledge and experience in the medical-legal investigation of death. It is the further intent of the general assembly that those individuals holding the office of county~~

~~coroner participate in programs designed to develop and enhance their qualifications in fulfilling the duties and responsibilities associated with such office.~~

**SECTION 5. Effective date - applicability.** (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of this act shall apply to coroners elected or appointed on or after November 6, 2006.

Approved: May 21, 2003