

HOUSE BILL 969

J1, E2

4lr3231

By: ~~Delegate Bartlett~~ Delegates Bartlett, Pena-Melnyk, Cullison, Alston, Bagnall, Bhandari, Chisholm, Guzzone, Hill, Hutchinson, S. Johnson, Kaiser, Kerr, Kipke, R. Lewis, Lopez, Martinez, M. Morgan, Reilly, Rosenberg, Szeliga, Taveras, White Holland, and Woods

Introduced and read first time: February 2, 2024

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 3, 2024

CHAPTER _____

1 AN ACT concerning

2 **Death Certificates – Cause or Manner of Death Determinations – Requirements**
3 **After Change or Correction**
4 **(Katherine Morris Death Reclassification Act)**

5 FOR the purpose of requiring, if a victim's initial determination of death recorded on the
6 victim's death certificate was amended or corrected to be undetermined or homicide,
7 an assistant State's Attorney with knowledge of the case to meet with a person in
8 interest on the request of the person in interest for a certain purpose; requiring the
9 medical examiner to provide notice to the State's Attorney and the local law
10 enforcement agency in a certain jurisdiction and request that the Secretary of Health
11 send an amended certified death certificate to a certain person in interest if the
12 medical examiner was required to change or correct the cause or manner of death
13 recorded on the death certificate of a certain deceased individual in accordance with
14 a certain provision of law; requiring a law enforcement agency to reopen or
15 reinvestigate an investigation involving the death of a victim whose cause or manner
16 of death was amended or corrected to be undetermined or homicide; prohibiting a
17 law enforcement agency from closing a case that was reopened or reinvestigated for
18 at least a certain period of time; and generally relating to requirements that apply
19 when a change or correction is made to the cause or manner of death recorded on a
20 death certificate.

21 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



Article – Criminal Procedure
Section 11–1010
Annotated Code of Maryland
(2018 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, without amendments,
Article – General Provisions
Section 4–101(a) and (g)
Annotated Code of Maryland
(2019 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 5–309(d)
Annotated Code of Maryland
(2023 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 3–201(a) and (d)
Annotated Code of Maryland
(2022 Replacement Volume and 2023 Supplement)

BY adding to
Article – Public Safety
Section 3–531
Annotated Code of Maryland
(2022 Replacement Volume and 2023 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Criminal Procedure

11–1010.

(A) IN THIS SECTION, “PERSON IN INTEREST” HAS THE MEANING STATED IN
§ 4–101 OF THE GENERAL PROVISIONS ARTICLE.

(B) THIS SECTION APPLIES ONLY WITH RESPECT TO A VICTIM WHOSE
INITIAL DETERMINATION OF CAUSE OR MANNER OF DEATH RECORDED ON THE
VICTIM’S DEATH CERTIFICATE UNDER § 4–212 OF THE HEALTH – GENERAL ARTICLE
WAS AMENDED OR CORRECTED TO BE UNDETERMINED OR HOMICIDE UNDER §
5–309(D)(2) OF THE HEALTH – GENERAL ARTICLE.

(C) FOR AN INVESTIGATION OR A CASE INVOLVING A VICTIM DESCRIBED UNDER SUBSECTION (B) OF THIS SECTION, AN ASSISTANT STATE'S ATTORNEY WITH KNOWLEDGE OF THE CASE SHALL MEET WITH A PERSON IN INTEREST WITHIN 20 DAYS AFTER RECEIVING A REQUEST FROM THE PERSON IN INTEREST TO MEET REGARDING THE PERSON IN INTEREST'S REQUEST THAT THE OFFICE OF THE STATE'S ATTORNEY PURSUE AN INVESTIGATION INTO THE CIRCUMSTANCES OF THE VICTIM'S DEATH.

(D) AT THE MEETING REQUIRED UNDER THIS SECTION, THE ASSISTANT STATE'S ATTORNEY SHALL EXPLAIN THE JUSTIFICATION FOR NOT PURSUING AN INVESTIGATION INTO THE VICTIM'S DEATH DESPITE THE AMENDMENT OR CORRECTION TO THE CAUSE OR MANNER OF DEATH ON THE DEATH CERTIFICATE OF THE VICTIM.

(E) THE MEETING REQUIRED UNDER THIS SECTION MAY BE CONDUCTED IN PERSON, BY TELEPHONE, OR BY OTHER MEANS MUTUALLY AGREED ON.

Article – General Provisions

4–101.

(a) In this title the following words have the meanings indicated.

(g) “Person in interest” means:

(1) a person or governmental unit that is the subject of a public record or a designee of the person or governmental unit;

(2) if the person has a legal disability, the parent or legal representative of the person; or

(3) as to requests for correction of certificates of death under § 5–310(d)(2) of the Health – General Article, the spouse, adult child, parent, adult sibling, grandparent, or guardian of the person of the deceased at the time of the deceased's death.

Article – Health – General

5–309.

(d) (1) (i) The individual who performs the autopsy shall prepare detailed written findings during the progress of the autopsy.

(ii) The findings prepared under subparagraph (i) of this paragraph and the conclusions drawn from them shall be filed in the office of the medical examiner for the county where the death occurred.

(iii) The original copy of the findings and conclusions shall be filed in the Office.

(iv) The Department and the Committee may not interfere with the clinical findings or conclusions prepared under subparagraphs (i) and (ii) of this paragraph.

(2) (i) Except in a case of a finding of homicide, a person in interest as defined in [§ 4-101(e)] **§ 4-101** of the General Provisions Article may request the medical examiner to correct findings and conclusions on the cause and manner of death recorded on a certificate of death under § 4-502 of the General Provisions Article within 180 days after the medical examiner files those findings and conclusions.

(ii) 1. If the Chief Medical Examiner denies the request of a person in interest to correct findings and conclusions on the cause and manner of death, the person in interest may appeal the denial to the Secretary, who shall refer the matter to the Office of Administrative Hearings.

2. A contested case hearing under this subparagraph shall be a hearing both on the denial and on the establishment of the findings and conclusions on the cause and manner of death.

(iii) The administrative law judge shall submit findings of fact to the Secretary.

(iv) After reviewing the findings of the administrative law judge, the Secretary, or the Secretary's designee, shall issue an order to:

1. Adopt the findings of the administrative law judge; or

2. Reject the findings of the administrative law judge, and affirm the findings of the medical examiner.

(v) The appellant may appeal a rejection under subparagraph (iv)2 of this paragraph to a circuit court of competent jurisdiction.

(vi) If the final decision of the Secretary, or of the Secretary's designee, or of a court of competent jurisdiction on appeal, establishes a different finding or conclusion on the cause or manner of death of a deceased than that recorded on the certificate of death, the medical examiner shall **[amend]**:

1. **AMEND** the certificate to reflect the different finding or conclusion under §§ 4-212 and 4-214 of this article and § 4-502 of the General Provisions Article; **AND**

2. **IF THE CAUSE OR MANNER OF DEATH WAS AMENDED OR CORRECTED TO BE UNDETERMINED OR HOMICIDE:**

1 **A. PROVIDE NOTICE TO THE STATE’S ATTORNEY AND**
2 **THE LOCAL LAW ENFORCEMENT AGENCY IN THE JURISDICTION WHERE THE BODY**
3 **WAS FOUND OF THE DIFFERENT FINDING OR CONCLUSION ON THE CAUSE OR**
4 **MANNER OF DEATH OF THE DECEASED THAN THAT PREVIOUSLY RECORDED ON THE**
5 **DEATH CERTIFICATE; AND**

6 **B. REQUEST THAT THE SECRETARY SEND THE PERSON**
7 **IN INTEREST A CERTIFIED DEATH CERTIFICATE WITH THE CAUSE OR MANNER OF**
8 **DEATH AMENDED IN ACCORDANCE WITH ITEM 1 OF THIS SUBPARAGRAPH AT NO**
9 **COST TO THE PERSON IN INTEREST.**

10 (vii) The final decision of the Secretary, or the Secretary’s designee,
11 or of a court under this paragraph may not give rise to any presumption concerning the
12 application of any provision of or the resolution of any claim concerning a policy of insurance
13 relating to the deceased.

14 (viii) If the findings of the medical examiner are upheld by the
15 Secretary, the appellant is responsible for the costs of the contested case hearing.
16 Otherwise, the Department is responsible for the costs of the hearing.

17 **Article – Public Safety**

18 **3–201.**

19 (a) In this subtitle the following words have the meanings indicated.

20 (d) (1) “Law enforcement agency” means a governmental police force, sheriff’s
21 office, or security force or law enforcement organization of the State, a county, or a
22 municipal corporation that by statute, ordinance, or common law is authorized to enforce
23 the general criminal laws of the State.

24 (2) “Law enforcement agency” does not include members of the Maryland
25 National Guard who:

26 (i) are under the control and jurisdiction of the Military
27 Department;

28 (ii) are assigned to the military property designated as the Martin
29 State Airport; and

30 (iii) are charged with exercising police powers in and for the Martin
31 State Airport.

32 **3–531.**

1 **(A) IN THIS SECTION, “LAW ENFORCEMENT AGENCY” HAS THE MEANING**
2 **STATED IN § 3–201 OF THIS TITLE.**

3 **(B) IF A LAW ENFORCEMENT AGENCY IS NOTIFIED BY A MEDICAL EXAMINER**
4 **UNDER § 5–309(D) OF THE HEALTH – GENERAL ARTICLE, THE LAW ENFORCEMENT**
5 **AGENCY:**

6 **(1) SHALL REOPEN OR REINVESTIGATE AN INVESTIGATION**
7 **INVOLVING THE DEATH OF A VICTIM WHOSE CAUSE OR MANNER OF DEATH WAS**
8 **AMENDED OR CORRECTED TO BE UNDETERMINED OR HOMICIDE; AND**

9 **(2) MAY NOT CLOSE A CASE THAT WAS REOPENED OR**
10 **REINVESTIGATED UNDER ITEM (1) OF THIS SUBSECTION UNTIL AT LEAST 20 YEARS**
11 **AFTER THE LAW ENFORCEMENT AGENCY WAS NOTIFIED.**

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2024.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.