

Committee on Criminal Justice

CS/HB 1653 — Duties and Prohibited Acts Associated with Death

by Criminal Justice Subcommittee and Rep. Giallombardo and others (CS/SB 768 by Health Policy Committee and Senator Stewart)

The bill amends s. 406.12, F.S., to specify that a person who becomes aware of the death of any person occurring under the circumstances described in s. 406.11, F.S., must immediately report such death and circumstances to the district medical examiner or a *law enforcement agency having jurisdiction over the location*.

Section 406.11, F.S., requires a medical examiner to make or perform an examination, investigation, and autopsy as he or she deems necessary or as requested by the state attorney in the following circumstances when any person dies in this state:

- Of criminal violence;
- By accident;
- By suicide;
- Suddenly, when in apparent good health;
- Unattended by a practicing physician or other recognized practitioner;
- In any prison or penal institution;
- In police custody;
- In any suspicious or unusual circumstance;
- By criminal abortion;
- By poison;
- By disease constituting a threat to public health; and
- By disease, injury, or toxic agent resulting from employment.

A person who knowingly fails or refuses to report such death and circumstances, or refuses to make available prior medical or other information pertinent to the death investigation, commits a first degree misdemeanor.

The bill increases the criminal penalty from a first degree misdemeanor to a third degree felony for any person who, with the intent to conceal such death or to alter the evidence or circumstances surrounding such death:

- Commits the crime described above; or
- Without an order from the office of the district medical examiner, willfully touches, removes, or disturbs the body, clothing, or any article upon or near the body.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.

Vote: Senate 40-0; House 112-0