

April 22, 1933

Mr. E. Elmo Bollinger,  
County Attorney,  
Kingman, Arizona.

Dear Sir:

This will acknowledge receipt of your letter of April 10th, in which you seek the opinion of the Attorney General upon the four questions stated therein.

- (1) Must an inquest be held when a person is accidentally killed?

The Attorney General has issued his opinion dealing with this question under date of October 13, 1931, to the County Attorney of Mohave County and sent copies to the various Justices of the Peace in your County. Said opinion holds in effect that if, in the opinion of the officer to whom the death is reported, such death was accidental and not caused by criminal means, then an inquest is not required by law. That opinion purports to be a construction of Section 5272, R. C. A. 1928.

- (2) Because of humane considerations, can the body of an employee who has been accidentally killed be removed from the place of death prior to the arrival of the coroner?

Section 2727, R. C. A. 1928, provides that "The body of a dead person shall not be interred, \* \* \* nor removed from or into another registration district \* \* \* except upon a permit issued by the local registrar of the district in which death occurred or the body was found, \* \* \*."

In view of this Section, I am of the opinion that the body may be removed from the place of death, but must not be removed from the district until the local registrar of vital statistics, or his deputy, has permitted such removal. And a complete and satisfactory certificate of death is necessary only when practicable. (See Section 2727, R. C. A. 1928) (Also two preceding sections).

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- (3) Has the coroner authority to sign a death certificate in case of accidental death, without holding an inquest?

I am unable to find any law that authorizes a coroner to sign a death certificate when no inquest has been held. I am of the opinion that, if the death was clearly accidental, it should be reported to the registrar of vital statistics, or his deputy, and not to the coroner. Chapter 134, R. C. A. 1928, which deals with coroner's inquest, places the duties upon the coroner only when the report of a death discloses that it may have been occasioned by criminal means. Immediately upon reaching the conclusion that it was an accidental death, the coroner is through. Such conclusion may be based upon the report of the death and without viewing the body. This opinion does not hold, however, that a coroner may not hold the office of registrar or deputy registrar of vital statistics. That is another matter.

I am of the opinion that Article 6, Chapter 61, R. C. A. 1928, and particularly Sections 2726 and 2730, of this article, contain the law that should be applied in cases of accidental deaths occurring at Boulder Dam.

- (4) How much authority has the County Attorney in directing or conducting an inquest?

Chapter 134, R. C. A. 1928, seems to leave the entire question of whether an inquest should be held to the discretion of the coroner, and other sections dealing with the duties, powers, etc. of County Attorneys, do not mention coroner's inquests. Therefore, I am of the opinion that a county attorney cannot conduct or direct an inquest. The County Attorney is the legal advisor for all coroners in his county and his advice, in some cases, at least, is practically indispensable. For instance, in distinguishing between an accidental death and death caused by criminal negligence. Furthermore, sources of valuable evidence may be disclosed during the inquest and it is the coroner's duty to act upon the advice of the county attorney in all matters pertaining to the production of such evidence.

Mr. Salmon, Assistant Attorney General, concurring.

Very truly yours,

Attorney General

Assistant Attorney General

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