

IN THE SENATE

SENATE BILL NO. 1266

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO DECEASED PERSONS; AMENDING SECTION 14-104, IDAHO CODE, TO REVISE
2 A PROVISION REGARDING DEATH OF AN INTESTATE STRANGER AND TO MAKE TECHNICAL
3 CORRECTIONS; AMENDING SECTION 14-107, IDAHO CODE, TO REVISE A PRO-
4 VISION REGARDING NOTIFICATION TO A PUBLIC ADMINISTRATOR OF A DECEDENT'S
5 PROPERTY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 31-2117,
6 IDAHO CODE, TO REVISE A PROVISION REGARDING DISPOSAL OF MONEY OR PROP-
7 erty FOUND ON A DEAD BODY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING
8 SECTION 31-3412, IDAHO CODE, TO REVISE A PROVISION REGARDING INDIGENT
9 BURIAL OR CREMATION, TO AUTHORIZE CREMATION BY A CORONER IN CERTAIN IN-
10 STANCES, AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY
11 AND PROVIDING AN EFFECTIVE DATE.
12

13 Be It Enacted by the Legislature of the State of Idaho:

14 SECTION 1. That Section 14-104, Idaho Code, be, and the same is hereby
15 amended to read as follows:

16 14-104. DEATH OF INTESTATE STRANGER -- PUBLIC ADMINISTRATOR TO BE NO-
17 TIFIED. Whenever a stranger, or person without known heirs, dies intestate
18 in the house or on the premises of another, the possessor of such premises, or
19 anyone knowing the facts, must give notice thereof to the public administra-
20 tor of the county within ~~forty-eight~~ seventy-two (4872) hours of knowledge
21 of a death; ~~and~~ in default of so doing, he is liable for any damage that may be
22 sustained thereby, to be recovered by the public administrator, or any party
23 interested.

24 SECTION 2. That Section 14-107, Idaho Code, be, and the same is hereby
25 amended to read as follows:

26 14-107. OFFICIALS TO NOTIFY ADMINISTRATOR OF DECEDENT'S PROPERTY. All
27 public officials shall, within ~~forty-eight~~ seventy-two (4872) hours of
28 knowledge of a death and upon verification of no legal next of kin or admin-
29 istrator of the decedent's estate, inform the public administrator of and
30 make available to him all property known to them, belonging to a decedent who
31 resided at the time of death in the county, which property is liable to loss,
32 injury or waste, or which, by reason thereof, ought to be in the possession
33 of the public administrator. The public administrator shall be responsible
34 for determining if any heirs or a will exists in all cases where there are no
35 known personal representatives.

36 SECTION 3. That Section 31-2117, Idaho Code, be, and the same is hereby
37 amended to read as follows:

38 31-2117. DISPOSAL OF MONEY OR PROPERTY FOUND ON DEAD BODY. The coro-
39 ner or other public official must notify the county treasurer, within ~~forty-~~

1 ~~eight~~ seventy-two (4872) hours of knowledge of a death and upon verification
2 of no legal next of kin or administrator of the decedent's estate, of money
3 or other property found on or with a dead body. The treasurer, upon receiving
4 such funds, must deposit them to the credit of the county. On receiving other
5 property in like manner he must, within thirty (30) days, sell it at public
6 auction upon reasonable public notice, and must in like manner deposit the
7 proceeds to the credit of the county.

8 SECTION 4. That Section 31-3412, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 31-3412. INDIGENT BURIAL OR CREMATION. It shall be the duty of the
11 board to provide for burial or cremation of any deceased indigent person.
12 The amount paid by the obligated county shall not in any case exceed the es-
13 tablished or negotiated rate set by each board. If the coroner, mortician,
14 or other responsible parties are unable to establish next of kin or ~~other~~
15 ~~resources~~ have a signed waiver of intent to abandon, they may make applica-
16 tion to the board. ~~Application must be made prior to services rendered and~~
17 ~~pursuant to terms of negotiated agreement.~~ If an application has been made
18 pursuant to this section, a coroner may, prior to approval of such applica-
19 tion, authorize a cremation ten (10) days following death. The county shall
20 be free from any liability for said burial or cremation.

21 SECTION 5. An emergency existing therefor, which emergency is hereby
22 declared to exist, this act shall be in full force and effect on and after
23 July 1, 2022.