

IN THE SENATE

SENATE BILL NO. 1265

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO DEATHS; AMENDING SECTION 14-104, IDAHO CODE, TO REVISE PROVISIONS REGARDING NOTIFICATION OF CERTAIN DEATHS; AMENDING SECTION 14-107, IDAHO CODE, TO REVISE PROVISIONS REGARDING NOTIFICATION OF CERTAIN DEATHS; AMENDING SECTION 31-2117, IDAHO CODE, TO REVISE PROVISIONS REGARDING NOTIFICATION OF CERTAIN DEATHS; AMENDING SECTION 31-3412, IDAHO CODE, TO REVISE PROVISIONS REGARDING INDIGENT BURIAL OR CREMATION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

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

14-104. DEATH OF INTESTATE STRANGER -- PUBLIC ADMINISTRATOR TO BE NOTIFIED. Whenever a stranger or person without known heirs, dies intestate in the house or on the premises of another, the possessor of such premises, or anyone knowing the facts, must give notice thereof to the public administrator of the county within ~~forty-eight (48)~~ seventy-two (72) hours of knowledge of a death; and in default of so doing, he is liable for any damage that may be sustained thereby, to be recovered by the public administrator, or any party interested.

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

14-107. OFFICIALS TO NOTIFY ADMINISTRATOR OF DECEDENT'S PROPERTY. All public officials shall, within ~~forty-eight (48)~~ seventy-two (72) hours of knowledge of a death, inform the public administrator of and make available to him all property known to them, belonging to a decedent who resided at the time of death in the county, which property is liable to loss, injury or waste, or which, by reason thereof, ought to be in the possession of the public administrator. The public administrator shall be responsible for determining if any heirs or a will exists in all cases where there are no known personal representatives.

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

31-2117. DISPOSAL OF MONEY OR PROPERTY FOUND ON DEAD BODY. The coroner or other public official must notify the county treasurer, within ~~forty-eight (48)~~ seventy-two (72) hours of knowledge of a death and verification of no legal next of kin or administrator of the decedent's estate, of money or other property found on or with a dead body. The treasurer, upon receiving such funds, must deposit them to the credit of the county. On receiving other property in like manner he must, within thirty (30) days, sell it at public

1 auction upon reasonable public notice, and ~~must in like manner~~ deposit the  
2 proceeds to the credit of the county.

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

5 31-3412. INDIGENT BURIAL OR CREMATION. It shall be the duty of the  
6 board to provide for burial or cremation of any deceased indigent person.  
7 The amount paid by the obligated county shall not in any case exceed the es-  
8 tablished or negotiated rate set by each board. If the coroner, mortician  
9 or other responsible parties are unable to establish next of kin or ~~other~~  
10 ~~resources~~ have a signed affidavit of intent to abandon, they may make appli-  
11 cation to the board. ~~Application must be made prior to services rendered~~  
12 ~~and pursuant to terms of negotiated agreement.~~ The coroner may authorize  
13 cremation after ten (10) days of death and only after application but prior  
14 to approval of application. The county shall be free from any liability for  
15 said burial or cremation.

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