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GOVERNMENT CODE - GOV

TITLE 3. GOVERNMENT OF COUNTIES [23000 - 33205] (Title 3 added by Stats. 1947, Ch. 424.)

DIVISION 2. OFFICERS [24000 - 28085] (Division 2 added by Stats. 1947, Ch. 424.)

PART 3. OTHER OFFICERS [26500 - 27773] (Part 3 added by Stats. 1947, Ch. 424.)

CHAPTER 10. Coroner [27460 - 27530] (Chapter 10 added by Stats. 1947, Ch. 424.)

ARTICLE 2.5. Autopsy [27520 - 27523] (Article 2.5 added by Stats. 1965, Ch. 1946.)

27520. (a) The coroner shall cause to be performed an autopsy on a decedent, for which an autopsy has not already been performed, if the surviving spouse requests him or her to do so in writing. If there is no surviving spouse, the coroner shall cause an autopsy to be performed if requested to do so in writing by a surviving child or parent, or if there is no surviving child or parent, by the next of kin of the deceased.

(b) The coroner may cause to be performed an autopsy on a decedent, for which an autopsy has already been performed, if the surviving spouse requests him or her to do so in writing. If there is no surviving spouse, the coroner may cause an autopsy to be performed if requested to do so in writing by a surviving child or parent, or if there is no surviving child or parent, by the next of kin of the deceased.

(c) The cost of an autopsy requested pursuant to either subdivision (a) or (b) shall be borne by the person requesting that it be performed.

(Amended by Stats. 2016, Ch. 787, Sec. 6. (SB 1189) Effective January 1, 2017.)

27521. (a) A postmortem examination or autopsy conducted at the discretion of a coroner, medical examiner, or other agency upon an unidentified body or human remains is subject to this section.

(b) Any agency tasked with the exhumation of a body or skeletal remains of a deceased person that has suffered significant deterioration or decomposition, where the circumstances surrounding the death afford a reasonable basis to suspect that the death was caused by or related to the criminal act of another, may perform the exhumation in consultation with a board-certified forensic pathologist certified by the American Board of Pathology. The board-certified forensic pathologist may suggest that the agency tasked with an exhumation pursuant to this subdivision consider retaining the services of an anthropologist in order to conduct the exhumation with the highest dignity for potential victims, the least damage to a potential crime scene, and the best chance for victim recovery and identification.

(c) A postmortem examination or autopsy shall include, but shall not be limited to, the following procedures:

(1) Taking of all available fingerprints and palm prints.

(2) A dental examination consisting of dental charts and dental X-rays of the deceased person's teeth, which may be conducted on the body or human remains by a qualified dentist as determined by the coroner or medical examiner.

(3) The collection of tissue, including a hair sample, or body fluid samples for future DNA testing, if necessary.

(4) Frontal and lateral facial photographs with the scale indicated.

(5) Notation and photographs, with a scale, of significant scars, marks, tattoos, clothing items, or other personal effects found with or near the body.

(6) Notations of observations pertinent to the estimation of the time of death.

(7) Precise documentation of the location of the remains.

(d) The postmortem examination or autopsy of the unidentified body or remains may include full body X-rays or computed tomography scans.

(e) (1) At the sole and exclusive discretion of a coroner, medical examiner, or other agency tasked with performing an autopsy pursuant to Section 27491, an electronic image system, including, but not limited to, an X-ray machine or computed tomography scanning system, may be used to fulfill the requirements of subdivision (c) or of a postmortem examination or autopsy required by other law, including, but not limited to, Section 27520.

(2) This subdivision does not impose a duty upon any coroner, medical examiner, or other agency tasked with performing autopsies pursuant to Section 27491 to use an electronic image system to perform autopsies or to acquire the capability to do so.

(3) A coroner, medical examiner, or other agency tasked with performing an autopsy pursuant to Section 27491 shall not use an electronic imaging system to conduct an autopsy in any investigation where the circumstances surrounding the death afford a reasonable basis to suspect that the death was caused by or related to the criminal act of another and it is necessary to collect evidence for presentation in a court of law. If the results of an autopsy performed using electronic imaging provides the basis to suspect that the death was caused by or related to the criminal act of another, and it is necessary to collect evidence for presentation in a court of law, then a dissection autopsy shall be performed in order to determine the cause and manner of death.

(4) An autopsy may be conducted using an X-ray or computed tomography scanning system notwithstanding the existence of a certificate of religious belief properly executed in accordance with Section 27491.43.

(f) The coroner, medical examiner, or other agency performing a postmortem examination or autopsy shall prepare a final report of investigation in a format established by the Department of Justice. The final report shall list or describe the information collected pursuant to the postmortem examination or autopsy conducted under subdivision (c).

(g) The unidentified body or human remains shall not be cremated or buried until the appropriate samples of tissue and bone are retained for future possible use.

(h) For an unidentified body or human remains, appropriate samples of tissue and bone shall be taken before the body or human remains are cremated or buried. The types of samples of tissue and bone that are taken shall be determined by the coroner or medical examiner. The samples obtained, the method of procurement or dissection of those samples, and the handling, processing, and storage of samples shall be within, and guided by, the generally accepted standards of forensic pathology and death investigation.

(i) The coroner, medical examiner, or other agency responsible for a postmortem examination or autopsy shall retain the appropriate samples of tissue and bone for one year after a positive identification is made, and no civil or criminal challenges are pending, or indefinitely.

(j) If the coroner, medical examiner, or other agency performing a postmortem examination or autopsy with the aid of the dental examination and any other identifying findings is unable to establish the identity of the body or human remains, the coroner, medical examiner, or other agency shall submit dental charts and dental X-rays of the unidentified deceased person to the Department of Justice on forms supplied by the Department of Justice within 45 days of the date the body or human remains were discovered.

(k) If the coroner, medical examiner, or other agency performing a postmortem examination or autopsy with the aid of the dental examination and other identifying findings is unable to establish the identity of the body or human remains, the coroner, medical examiner, or other agency shall submit the final report of investigation to the Department of Justice within 180 days of the date the body or human remains were discovered. The final report of investigation shall list or describe the information collected pursuant to the postmortem examination or autopsy and any anthropology report, fingerprints, photographs, and autopsy report.

(Amended by Stats. 2018, Ch. 936, Sec. 1. (SB 1163) Effective January 1, 2019.)

27521.1. The law enforcement agency investigating the death of an unidentified person shall report the death to the Department of Justice, in a format acceptable to the Department of Justice, no later than 10 calendar days after the date the body or human remains were discovered.

(Added by Stats. 2000, Ch. 284, Sec. 2. Effective January 1, 2001.)

27522. (a) A forensic autopsy shall only be conducted by a licensed physician and surgeon. The results of a forensic autopsy shall only be determined by a licensed physician and surgeon.

(b) A forensic autopsy shall be defined as an examination of a body of a decedent to generate medical evidence for which the cause of death is determined. At the direction and supervision of a coroner, a medical examiner, or a licensed physician and surgeon, trained county personnel who are necessary to the performance of an autopsy may take body measurements or retrieve blood, urine, or vitreous samples from the body of a decedent.

(c) For purposes of this section, a postmortem examination shall be defined as the external examination of the body where no manner or cause of death is determined.

(d) For purposes of this section, the manner of death shall be determined by the coroner or medical examiner of a county. If a forensic autopsy is conducted by a licensed physician and surgeon, the coroner or medical examiner shall consult with the licensed physician and surgeon in the determination of the manner of death.

(e) For health and safety purposes, all persons in the autopsy suite shall be informed of the risks presented by bloodborne pathogens and that they should wear personal protective equipment in accordance with the requirements described in Section 5193 of Title 8 of the California Code of Regulations or its successor.

(f) (1) Only individuals who are directly involved in the investigation of the death of the decedent shall be allowed into the autopsy suite.

(2) If an individual dies due to the involvement of law enforcement activity, law enforcement personnel directly involved in the death of that individual shall not be involved with any portion of the postmortem examination, nor allowed inside the autopsy suite during the performance of the autopsy.

(3) Notwithstanding paragraph (1), individuals may be permitted in the autopsy suite for educational and research purposes at the discretion of the coroner and in consultation with any licensed physician and surgeon conducting an autopsy.

(g) Any police reports, crime scene or other information, videos, or laboratory tests that are in the possession of law enforcement and are related to a death that is incident to law enforcement activity shall be made available to the physician and surgeon who conducts the autopsy prior to the completion of the investigation of the death.

(h) This section shall not be construed to limit the practice of an autopsy for educational or research purposes.

(Added by Stats. 2016, Ch. 787, Sec. 7. (SB 1189) Effective January 1, 2017.)

27523. (a) A coroner may test the bodily fluid extracted during the autopsy of a deceased person to determine if any amount, including a trace amount, of xylazine was present at the time of the person's death in either of the following circumstances:

(1) The coroner reasonably suspects that the cause of the person's death was an accidental or intentional overdose of an opioid.

(2) The person was administered an overdose intervention drug prior to death and was unresponsive to the overdose intervention drug.

(b) If the coroner conducts a test pursuant to subdivision (a), the coroner shall report a positive result indicating the presence of xylazine to the Overdose Detection Mapping Application Program managed by the Washington/Baltimore High Intensity Drug Trafficking Area program and provide the State Department of Public Health with a quarterly report on positive results that includes the total number of tests performed and the State File Number from the death certificate of each positive case.

(c) The department shall post the following information on the California Overdose Surveillance Dashboard located on the department's internet website:

(1) The total number of xylazine-positive results reported to the department.

(2) The number of xylazine-positive results by county.

(3) The number of xylazine-positive overdose deaths, per 100,000 population.

(Added by Stats. 2024, Ch. 684, Sec. 1. (AB 1859) Effective January 1, 2025.)