



# **The New Hampshire Jural Assembly**

## **Handbook for Coroners**

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## Preface

Our intention is to provide an overview of the duties and responsibilities of a Coroner. To that end, we went to the New Hampshire Constitutions of 1776, 1784 along with numerous other foundational documents to seek out those original *de jure* obligations and commitments.

As an assembly body, we are also doing our public duty by studying All Four Organic Laws – The Declaration of Independence, The Articles of Confederation (when it is rebooted), The Federal Constitutions (all three, depending on which is applicable), and the Northwest Ordinance. Beyond that, becoming familiar with The Mayflower Compact as the genesis of our form of Law, The Geneva Bible as our authority for that Law, the Ten Commandments as the form of Law governing relations between living people, and the process of Law is American Common Law.<sup>1</sup>

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<sup>1</sup> <https://annavonreitz.com/yourpublicduty.pdf>

See also, <https://annavonreitz.com/toallstateassemblies.pdf>

## Office of the Coroner

In July of 1776, word of The unanimous Declaration of the thirteen united States of America\* reached New Hampshire. This initiated an exciting period in the founding of our independent and sovereign State. The State Constitution was the first order of business for the newly elected Provincial Congress and the final draft was approved as read and enacted in open Congress in Halifax on December 18, 1776.

Article XXXVIII (38) of the Constitution of 1776 reads as follows: “*That there shall be a Sheriff, Coroner or Coroners, and Constables, in each county within this State.*” And thus, the Office of the Coroner was established in New Hampshire and remained unchanged through the amendatory convention of 1835.

The history of the coroner goes back hundreds of years to feudal England. The function of the coroner has evolved from a medieval tax collector to an independent Peace Officer in charge of the investigation of any sudden, unnatural, violent, or unexplained death. Coroners were elected throughout the 13 original colonies to be comparable to Sheriffs with whom they frequently shared duties.

### Qualifications of The Coroners

At the time of his/her election, the coroner must be a New Hampshire State Citizen in good standing and domiciled on the state for one year prior to election. He/she should possess sufficient medical training or other similar training and experience in pre-medicine, healthcare, peacekeeping, forensic science, criminal science, or mortuary science, etc., so as to be able to determine the cause and manner of an individual’s death.

### Jurisdiction

The Coroner and Deputy Coroner(s) shall have free and unrestricted access in the state for which they are elected/appointed. The Coroner will serve the state and will be able to deputize a coroner for each county.

\*The first printed edition wrote the title with this use /non-use of capitalization.

## Election and Term

The coroner shall be elected to a four-year term at a time to coincide with the regular state elections.

## Vacancy

If at any time a Coroner is unable to perform the duties of the office by (1) illness or death, (2) incarceration or other incapacitation, (3) his/her own declaration, the duties of the office shall be undertaken by a senior Deputy Coroner, with support provided by the Sheriff or Clerk of Courts until a new Coroner can be appointed by the People.

## Powers of the Coroner

The coroner, as an elected Peace Officer, has the power to:

1. Make arrests
2. Perform investigations
3. To lawfully enter onto public or private property in the performance of their duties
4. Collect Evidence
5. Conduct interrogations
6. Compel medical records
7. Require autopsies
8. Require toxicology tests
9. Require radiology exams
10. Employ investigators and photographers
11. Expend public funds in carrying out their duties
12. The authority to remove/unseat? the Governor

## Duties of the Coroner

1. Notification of the Coroner
2. Investigate and report the cause and manner of death
3. Identify the deceased and determine jurisdiction
4. Disposition of physical remains, forensic evidence and personal items found with the body
5. Complete the death report
6. Record the births of babies born into the families of New Hampshire residents
7. Order the removal of the body to a funeral home or other facility
8. Release evidence related to an ongoing criminal investigation by Peace Officers

## Notification of the Coroner

The sheriff or other peace officer, member of a hospital or other healthcare facility, or member of the community at large that discovers or is otherwise in possession of a deceased individual must immediately notify the coroner in the state wherein the body was discovered. It is unlawful to move or disturb a decedent's remains in any way except to prevent loss or damage due to fire, rising water, shifting soil, automobile traffic, or other condition that may pose a physical detriment to the body and/or physical evidence until released to do so by the coroner or his/her representative. It shall be the responsibility of the coroner to inform these agencies of their responsibility in this regard and provide the necessary contact information. Not all deaths need to be reported to the coroner. An attending physician or hospital physician who, at the time of death, was participating in the individual's care, may, at his/her election, complete the recording documents required. The document shall then be forwarded to the coroner so that the body may be released for burial.

## Investigating and reporting the cause and manner of death

**Natural:** As the result of disease and/or advanced age and without an external precipitating event.

**Accidental:** As the result of an unintentional precipitating event(s).

**Suicide:** As the result of a self-inflicted precipitating event.

**Homicide:** As the result of an intentional act to cause harm or death which became the precipitating event that led to an individual's death. An act of self-defense that results in the death of an assailant shall not be ruled a homicide.

**Undetermined:** When all available information considered is inconclusive.

1. Natural Deaths – see above.
2. Accidental Deaths

Accidental deaths are unexpected occurrences to an individual who may be in apparent good health. They include, but are not limited to:

- A. Drowning.
- B. Electric shock.
- C. Falls.
- D. Blunt trauma.
- E. Explosions.
- F. Firearm or penetrating injury.
- G. Private automobile accidents.
- H. Hemorrhage.
- I. Dismemberment.
- J. Asphyxia due to airway compromise from a foreign body, strangulation, or noxious gas/vapor inhalation.
- K. Drug overdose including alcohol.
- L. Weather-related deaths including lightning, hypothermia, heat exhaustion, windstorm, or other weather-related events.

M. Burns

N. Stillborn infant death unless secondary to an intrauterine event involving the mother like a motor vehicle accident, drug overdose, homicide, or suicide, etc.

3. Suicide – see above

4. Homicide – Definition of a Coroner’s case

- A. When the death is sudden and unexplained, or unattended, and the deceased has no medical history to give cause for the death and has not been seen by a physician during the 14-day period prior to his/her death.
- B. When the death occurs while the deceased is in lawful custody, a penal institution (except when sentenced to death), mental hospital, rehabilitation center, or center for the developmentally disabled.
- C. When the decedent’s remains have undergone decomposition to the extent that an initial examination cannot rule out foul play.
- D. When the decedent is an infant, child, or adolescent up to 18 years of age, except in the case of a stillbirth documented by an attending nurse midwife, or physician.
- E. When the cause of death is ruled **undetermined**.

## Disposition of the physical remains, forensic evidence, and personal effects

It is the responsibility of the coroner to take charge of the physical remains, personal effects, and forensic evidence found at the scene. It will further be the responsibility of the coroner to release physical evidence related to an ongoing criminal investigation by Peace Officers and allow for a timely response from said officer(s) before removing evidence from the scene. Conversely, however, Peace Officers and officials and/or family members are restricted from removing physical items from a potential investigation scene until authorized to do so by the coroner.

## Completing the death report

A Record of all deaths coming under the coroner's jurisdiction shall be completed to include:

1. Name and aliases of the deceased including method of Identification and/or identity of individuals providing such information.
2. Individuals notified of the death such as next of kin.
  - A. Estimated date/time of death
  - B. Time and date of the recording
  - C. Location of death
  - D. Cause and manner of death (natural, accidental, suicide, homicide, or undetermined) and any action taken with regards to these findings.
  - E. A narrative relating to the above findings.
  - F. Disposition of the remains and personal effects.
  - G. Autograph and printed name of the person making the report.

In the case of a death while under the care of a physician, the attending physician may complete the report.

## Autopsies

The coroner may, at his/her discretion, order an autopsy as part of an investigation into the cause and manner of death. Furthermore, an autopsy may be requested of the coroner by the Grand Jury. In either case, the autopsy shall be conducted by a Pathologist or Medical Examiner of the Coroner's choosing, competent in the performance of autopsies. If the Coroner is a qualified Pathologist or Medical Examiner, he may conduct the autopsy if he/she chooses. There shall be a 48-hour waiting period prior to an autopsy to allow for a properly executed notice of religious belief/objection to the autopsy. Fluid and tissue samples collected at the time of the autopsy will be dispensed with at the discretion of the Pathologist or Medical Examiner except in the case of homicide, suicide, or undetermined death when they shall be retained for a period of not less than 1 year in the coroner's office. The financial responsibility for these official autopsies shall be the responsibility of the state.

## Tissue donation and organ transplant

Tissue donation and organ transplants may be made available in the presence of a Common Law Will that establishes the deceased's wish to do so or on the request of next of kin. Time is of the essence in these matters and communication between the Coroner and the Hospital Transplant Coordinator is essential. These services may not be permitted if the coroner suspects that the circumstances surrounding the death call for an investigation and/or inquest.

## Cremation of a deceased's remains

Cremation of a deceased's remains may be made available in the presence of a Common Law Will that establishes the deceased's wish to do so or on the request of next of kin. These services may not be permitted if the coroner suspects that the circumstances surrounding the death call for an investigation and/or inquest.

## Transportation of a deceased body into or out of a county for burial.

If a deceased body is to be transported out of the county where the death occurred, or into a county for burial, the coroner in each county, sending or receiving the deceased body, must be notified. The coroner receiving the body may, at their discretion, conduct their own examination and/or investigation into the cause and manner of death.

## Inquests.

An inquest may be called by the coroner before a coroner's jury consisting of six State Nationals selected by the Clerk of Courts and seated by the coroner. The process for seating the jurors shall be at the discretion of the coroner who may interview proposed members of a Coroner's Inquest Jury to assure their fitness for duty. Potential Jury members may be excused and replaced. It will be up to the coroner to notify the witnesses and determine the order in which they will appear. Witnesses may appear voluntarily or by summons. Individuals failing to respond to a summons will be held in contempt. Individuals who wish to provide evidence or testimony but who were not called on to do should contact the coroner. Physical evidence, eyewitness testimonial(s), medical records, autopsy reports, and other forensic findings may be placed into evidence. Witnesses will be questioned first by the coroner and then by

interested individuals approved by the coroner. If by a majority vote of the jury at the conclusion of the inquest, sufficient evidence of wrongful death has been demonstrated, a pronouncement thereof shall go before the Grand Jury for further action.

## Court appearances by the coroner or member of his/her department

In the event that the Coroner, and/or Deputy Coroner(s) or other member(s) of the Coroner's Office or forensic experts, or other experts connected to the Coroner's Office receive a notice (summons) to appear before a Coroner's Inquest or the Grand Jury or in court, included in that notice shall be such information for the Coroner to know the identity of the individual(s) involved in the proceedings and the nature and substance of those proceedings. Compensation for expenses incurred in the above shall be the responsibility of the state.

## Unclaimed bodies

The disposition of an unknown or unclaimed deceased body shall be the responsibility of the coroner. Every effort at making an identification of the deceased and notifying the next of kin shall be made. In the event identification cannot be made and/or that all efforts at notifying the next of kin have failed, the coroner may make arrangements for the body to be buried at the expense of the state. Tissue and/or organ donation will not be considered for these individuals. Cremation will be upon approval of the coroner.

## Release of the body

If, after the Coroner's examination and/or investigation, the death was not ruled to be a homicide or of undetermined nature, and/or a physician is willing to and able to complete the death record including the cause of death, permission may be obtained through the Coroner's office to allow the hospital, other healthcare facilities, or family members to proceed with the final arrangements and release the body to a funeral home. Here again, time is of the essence, and every effort should be made to obtain a release of the body in a timely manner.

## Public Records

The coroner, either through the Office of the Coroner, through the Office of the Clerk of Courts, or through a centralized recording facility (e.g., LRO), shall be responsible for the submission of complete and orderly public records pertaining to the births and deaths of individuals coming under his/her jurisdiction. In addition, the coroner will similarly maintain the records of the Coroner's investigations, inquiries, and inquests. The state shall provide office space, record storage material and facility, and such support personnel as required.

## Election and Term

The coroner shall be elected to a four-year term at a time to coincide with the regular state elections.

## Compensation

Coroners may work on a voluntary basis, be salaried (full or part-time), or work 'fee for service' as can be arranged with the finance committee and agreed and voted upon by The New Hampshire General Assembly.

## Continuing Education

After an initial introductory course of orientation to the duties, office and facilities of the coroner's office, periodic continuing education offerings provided through journals, seminars, and webinars, etc., consisting of not less than 10 contact hours per calendar year shall be mandatory. The expense for these training exercises shall be provided by the state with approval by The New Hampshire General Assembly.

## Deputy Coroners

One or more Deputy Coroners may be appointed by the coroner as necessary and agreed upon by the New Hampshire General Assembly. Qualification for the position of Deputy Coroner shall be the same as the Coroner. Compensation and expenses for the Deputy Coroners shall be determined by the New Hampshire General Assembly.

## Failure in Performance of Duties and Removal From Office

Coroners are subject to removal from office when found negligent or unfit for office by a Grand Jury. The New Hampshire Jural Assembly will form a coroner's committee which will be responsible for appointing an interim Coroner until the next election cycle. During any period of vacancy of the office, the duties of the coroner may be upheld by the Clerk of Courts or the Sheriff, or both.

## Miscellaneous

The coroner, upon agreement with The New Hampshire General Assembly, may fulfill the duties of the Sheriff if the Sheriff is unavailable, including, but not limited to:

1. Criminal investigations
2. Serving warrants
3. Arresting suspects
4. Emergency response
5. Oversight of the Sheriff's Department and the operation of the jail. The coroner may receive the Sheriff's compensation during these periods at the state's discretion.

County Coroners are elected to keep the public records of deaths and probate actions initiated in the County Court, but we also need County Coroners because they are the only public official who can impeach and remove a State Governor<sup>2</sup>. County Coroners hold a very important civil office.<sup>2,3</sup>

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<sup>2</sup> <https://annavonreitz.com/structure.pdf>

<sup>3</sup> <https://annavonreitz.com/wordsofwisdom.pdf>

## Appendix

Forms: Baby Deed, Recording Office  
Baby Deed, Family  
Record of Death, Recording Office  
Record of Death, Family