

APA-1

TRANSMITTAL SHEET FOR NOTICE
OF INTENDED ACTION

Control: 265

Department or Agency: Alabama Justice Information Commission

Rule No.: Chapter 265-X-9

Rule Title: Coroner and Medical Examiner Access and Responsibilities

Intended Action New

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? NA

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer

Chris Howell
Chris Howell

Date

Monday, November 18, 2024

REC'D & FILED
NOV 18, 2024
LEGISLATIVE SVC AGENCY

ALABAMA JUSTICE INFORMATION COMMISSION

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Justice Information Center

RULE NO. & TITLE: Chapter 265-X-9 Coroner and Medical Examiner Access
and Responsibilities

INTENDED ACTION: New

SUBSTANCE OF PROPOSED ACTION:

The purpose of this Rule is to provide the terms of access to and the use of state and federal criminal justice information under the authority of the Commission or the Federal Bureau of Investigation (FBI) for coroners and medical examiners.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

January 16, 2025, Alabama Justice Information Commission meeting.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Thursday, January 16, 2025

CONTACT PERSON AT AGENCY:

Maury Mitchell

Chris Howell

Chris Howell

(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

**ALABAMA JUSTICE INFORMATION COMMISSION
ADMINISTRATIVE CODE**

**CHAPTER 265-X-9
CORONER AND MEDICAL EXAMINER ACCESS AND RESPONSIBILITIES**

TABLE OF CONTENTS

265-X-9-.01	Purpose
265-X-9-.02	Definition
265-X-9-.03	Coroner and Medical Examiner Access to CJIS
265-X-9-.04	Death Certifications

265-X-9-.01 Purpose.

1) The purpose of this Rule is to provide the terms of access to and the use of state and federal criminal justice information under the authority of the Commission or the Federal Bureau of Investigation (FBI) for coroners and medical examiners.

Author: Maury Mitchell

Statutory Authority: Section 41-9-594 of the Code of Alabama

History: New Rule: Published ____; effective ____.

265-X-9-.02 Definition.

1) A **coroner** is an elected or appointed county public official who examines the causes of a person's death and meets the qualifications to hold the Office of Coroner as defined in Code of Ala. § 11-5-33.

2) A **deputy coroner** is a person designated by a coroner to perform the same duties of the coroner and meets the qualifications as defined in Code of Ala. § 11-5-34.

3) A **medical examiner** is a medical doctor or other trained staff under the authority of the State Director of Forensic Sciences or within the Jefferson County Coroner-Medical Examiner Office or other statutorily established medical examiner office that is authorized to perform an autopsy or death investigation or other related-duties allowed by state law.

4) **Originating Agency Identifier** or **ORI** is a unique identifier issued by the FBI to criminal justice agencies that is used to recognize an agency that is qualified to access criminal justice

information. The type of ORI issued determines an agency's level of access to criminal justice data.

Author: Maury Mitchell

Statutory Authority: Section 41-9-594 of the Code of Alabama

History: New Rule: Published _____; effective _____.

265-X-9-.03 Coroner and Medical Examiner Access to CJIS.

1) A medical examiner under the authority of the Alabama Department of Forensic Sciences shall use the department's ORI to access and use federal and state criminal justice information systems.

2) A coroner or medical examiner not under the authority of the Alabama Department of Forensic Sciences may request an ORI through the ALEA CJIS Division. A coroner or medical examiner ORI is designated with a "K".

3) After the issuance of a "K" ORI and upon the completion of the training requirements in Code of Ala. § 11-5-33, a coroner, deputy coroner or medical examiner may access the FBI's federal Missing Person and Unidentified Person files and the ALEA CJIS LETS information system for the purpose of performing its official duties. As allowed, information may also be entered into the Missing Person File and the Unidentified Person File.

4) An agency or entity subject to this rule shall sign an Agency Access Agreement prior to any access or usage of CJIS information.

5) Access to and usage of CJIS information by a coroner, deputy coroner or medical examiner is subject to state and federal law and may be audited by the ALEA CJIS Division.

Author: Maury Mitchell

Statutory Authority: Section 41-9-594 of the Code of Alabama

History: New Rule: Published _____; effective _____.

265-X-9-.04 Death Certifications.

1) A coroner, deputy coroner or medical examiner may submit biometric information on unidentified bodies or other identified corpses to ALEA CJIS for inclusion in the state Automated Biometric Identification System.

2) ALEA will compare the submitted biometrics against the state's Biometric Identity Repository. If a match is verified against a record in the repository, whether civil or criminal, the record

will be updated with a death disposition. If there is no match, the prints and other biometrics shall be added to an "unknown" repository.

Author: Maury Mitchell

Statutory Authority: Section 41-9-594 of the Code of Alabama

History: New Rule: Published _____; effective _____.