

OPINION  
51-39

July 2, 1951 (OPINION)

COUNTIES

RE: Powers of Coroner

In your letter of June 22 requesting an opinion you state that you were recently called in by a local police officer and told that a car accident had taken place and that two persons were killed. Upon arriving at the scene of the accident you state the funeral director had removed two injured persons and had left with the remains of the two persons killed.

You wish to know what authority, if any, a coroner has with respect to a situation such as you have set forth and whether or not the coroner has the authority to hold the scene intact until he determines an inquest is necessary.

First of all, let me say that a county coroner is a county officer and when acting within the scope of his authority under Chapter 11-19 of the North Dakota Revised Code of 1943, no other officer, either state or local, can interfere with his proceedings or claim to be his superior.

Section 11-1904 of the Revised Code of 1943 provides:

When the coroner has notice that the dead body of a person suspected to have died by unlawful means has been found in his county, he shall summon the sheriff, a police officer, or the state's attorney, to accompany him, and shall issue his warrant to the sheriff, or to a constable of his county, requiring him to summon forthwith three electors who have the qualifications of jurors of the county to appear before the coroner at the time and place named in the warrant."

As stated above, when you find it necessary to act as coroner you are in complete charge of the proceedings. The state's attorney is required to act as your legal adviser and subject to your directions may conduct the examination of witnesses at an inquest. You have full and plenary power to ask such questions as you may deem pertinent at the inquest and you may direct that the examination and inquiry be made into any material that you may consider in order to fully acquaint yourself and to acquaint the coroner fully with the facts.

I suggest that you avail yourself of Volume 1 of the 1943 Revised Code and that you read all of Chapter 11-19 therein. It is short and you will easily familiarize yourself with the various sections in that chapter.

ELMO T. CHRISTIANSON

Attorney General