



THE COMMONWEALTH OF MASSACHUSETTS
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March 29, 2011

The Honorable Susan Fargo
Senate Chair, Joint Committee on Public Health
State House, Room 130
Boston, MA 02133

The Honorable Jeffrey Sanchez
House Chair, Joint Committee on Public Health
State House, Room 130
Boston, MA 02133

RE: S.B. 1167/H.B. 2350, *An Act relative to the release of a body by the medical examiner to a person charged with an offense which resulted in the death of the deceased*

Dear Chairwoman Fargo and Chairman Sanchez:

I write to express my support for S.B.1167/H.B.2350, *An Act relative to the release of a body by the medical examiner to a person charged with an offense which resulted in the death of the deceased*, which would amend section 13 of chapter 38 of the General Laws to prevent an individual charged with or convicted of an offense relating to the death of an individual from receiving the body of that victim.

Under the current law, G.L. c. 38, § 13, the medical examiner must release the body of a deceased person to the surviving spouse, next of kin or friend of the deceased, in that order, even if that individual caused or contributed to the death of the decedent. This law can have a severe adverse affect on the families of murder victims, causing them to face re-victimization when a spouse or other close family member is a suspect in the murder. Rather than being able to grieve in peace, the loved ones of the murder victim are prevented from making critical decisions about their loved one's funeral arrangements, and instead are subject to the wishes of the same individual accused of playing a role in the murder. I know first-hand from my work as a District Attorney and as Attorney General the devastating effect the current law can have on a family grappling with the murder of a loved one.

This legislation would require the medical examiner to bypass any individual charged with or convicted of a crime related to the death of the victim when determining the rightful custodian of the body. This proposal is consistent with other probate and family laws in the



Commonwealth. Specifically, Chapter 420 of the Acts of 2002 changed the law concerning intestacy and execution of wills to prevent individuals accused of certain crimes from serving as administrator or executor. As a result, under G.L. c. 192, §4 if an individual is under indictment for, or has been convicted of 1) murder in the first or second degree, or 2) manslaughter, or 3) as an accessory before the fact of these crimes, against the deceased, he or she may not be named executor of the will, even if named in a valid will. Additionally, G.L. c. 193, §1 mirrors the above statute when appointing administrators of an estate in cases of intestacy. The bill before you would add another important piece to the 2002 legislative changes by including similar protections for a victim's family to the duties required of the medical examiner.

This legislation will go a long way to ensuring that a murder victim's voice—through his or her family—is heard when it comes to making decisions about a victim's funeral arrangements, and I urge its passage. The Legislature took a strong stand for victim's rights in Chapter 420 of the Acts of 2002, and I look forward to working with you to extend these same protections at the most vulnerable and painful time for the families of murder victims.

Please do not hesitate to contact me or Jennifer Stark, Chief of my Policy & Government Division, at (617) 727-2200 if I can be of further assistance.

Cordially,


Martha Coakley

CC: Senator Karen Spilka
Representative Kate Hogan