

"County" § 1-101  
 "Includes"/"including" § 1-101  
 "Medical examiner" § 1-101  
 "Medical examiner's case" § 5-301

5-312. OATHS, AFFIDAVITS, AND EXAMINATIONS.

A--MEDICAL--EXAMINER---MAY---ADMINISTER---OATHS,---TAKE  
 AFFIDAVITS,--AND--MAKE--EXAMINATIONS--AS--TO--ANY--MATTER--THAT  
 RELATES--TO--THE--CAUSE--OF--DEATH--IN--A--MEDICAL--EXAMINER'S--CASE--  
 SUBJECT TO THE LIMITATIONS IN § 5-311(C) OF THIS SUBTITLE, A  
 MEDICAL EXAMINER MAY ADMINISTER OATHS, TAKE AFFIDAVITS, AND  
 MAKE EXAMINATIONS AS TO ANY MATTER WITHIN THE MEDICAL  
 EXAMINER'S JURISDICTION.

REVISOR'S NOTE: This section is new language derived without substantive change from the first clause of former Article 22, § 9.

The introductory clause of this section, "{s} subject to the limitations in § 5-311(c) of this subtitle," is added to reference the authority of a State's attorney. In Benjamin v. Woodring, 268 Md. 593, 608-609 (1973), the Court of Appeals held inadmissible that part of a death certificate on which the medical examiner indicates an "'opinion'" on the cause of death -- as distinguished from that part reciting the medical cause of death. The Court stated "... It was the evident intention of the Legislature when enacting Article 22 to separate the former duties of coroners into two separate spheres, delegated to persons possessing the requisite expertise in each sphere -- the medical duties to be performed by the medical examiner, and the non-medical investigatory function committed to State's Attorneys. ..."

In light of the revision of this section and § 5-311(c) of this subtitle, which provides for delivery of cases to a State's attorney for further investigation, the second clause of former Article 22, § 9, which prohibited the summoning of a jury of inquisition, is deleted as unnecessary. See also the General Revisor's Note to this subtitle.

Article 1, § 9 of the Code authorizes an affirmation to be made instead of an oath.

Defined terms: "Medical examiner" § 1-101  
 "Medical examiner's case" § 5-301

GENERAL REVISOR'S NOTE: