
DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 160 Engrossed

2018 Regular Session

Foil

Abstract: Provides for the contents of certain death investigation documents and provides for whether each of those documents are considered to be public records.

Present law requires the coroner to provide a copy of a final report or autopsy report to the last attending physician or family physician, if requested in writing. Requires the autopsy report and related documents to be provided to family, next of kin, or law enforcement agencies at no charge when requested. Provides that additional copies shall be charged the same amount as is charged for death certificates. Classifies an autopsy report as a public record. Outlines the information each autopsy report shall include.

Present law provides that the Dept. of Children and Family Services may obtain certain information concerning the death of a minor from the coroner, at no charge.

Proposed law adds that the department may obtain information on other findings of abuse or neglect of a minor, and adds the requirement that the coroner notify the Dept. of Children and Family Services if he finds the cause of death of a minor child was due to abuse or neglect or finds evidence of abuse or neglect. The coroner is required to report this findings in a timely manner or immediately when requested to protect any other minor children.

Proposed law provides a detailed description of the information included in coroner death investigation documents:

- (1) Provides that a **fact of death letter**, which constitutes proof of death, is a public record.
- (2) Provides that a **death investigation report** is the work product of a coroner and is not a public record. However, it can be made available to law enforcement agencies at no charge upon request and is subject to subpoena.
- (3) Provides that a **coroners' report** is a public record and shall be released to the news media, the Dept. of Children and Family Services, when appropriate, the next of kin, or any other person. Provides that proposed law shall not require the release of certain information in non-coroner cases nor shall it prohibit the coroner from releasing information to the department pursuant to certain provisions of present law.
- (4) Provides that a **post-mortem forensic medical examination report**, known as an autopsy report, contains information including contact information of the decedent, the names of

persons performing or present at the autopsy, a summary of the medical findings, and the cause and manner of death. This report is not a public record except when ordered released pursuant to a court order or when the report involves criminal activity or the death of a person in the custody of law enforcement or a corrections entity. Provides for this report to be made available to law enforcement at no charge, to the next of kin, and to the decedent's physician.

Proposed law authorizes the coroner to provide certain documents to the La. Dept. of Health, office of public health, for certain public health purposes. The office of public health shall treat these documents as confidential and the documents are not subject to be released pursuant to a public records request or subpoena to the La. Dept. of Health or office of public health.

(Amends R.S. 13:5713(C)(1)(c), (E)(1), (I), and (J) and R.S. 44:19(A)(3); Adds R.S. 44:19(E); Repeals R.S. 13:5713(K), (L), and (M) and 5714(C))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Judiciary to the original bill:

1. Provide that a fact of death letter is a public record.
2. Require the coroner to notify the Dept. of Children and Family Services if he finds the cause of death of a minor child was due to abuse or neglect or finds evidence of abuse or neglect.
3. Authorize the coroner to provide documents to the La. Dept. of Health, office of public health for certain purposes and requires the office of public health to treat these documents as confidential.
4. Provide that a post-mortem forensic medical examination report is not a public record except when opened by a court order or when it involves the investigation of criminal activity or the death of a person in the custody of law enforcement or a corrections entity, subject to provisions of present law.