

2016 Regular Session

SENATE BILL NO. 241

BY SENATOR MILKOVICH

PUBLIC RECORDS. Provides right of access to autopsy records, coroner's reports and similar documents. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 13:5713(J), relative to duty to hold autopsies and investigations;  
3 to provide relative to autopsy records, writings, and documents and coroner reports;  
4 to provide relative to persons authorized to receive autopsy records, writings, and  
5 documents and coroner reports; to provide with respect to authorization of family  
6 members and next of kin to receive autopsy records, writings, and documents and  
7 coroner reports; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 13:5713(J) is hereby amended and reenacted to read as follows:

10 §5713. Duty to hold autopsies, investigations, etc.

11 \* \* \*

12 J. Autopsy reports prepared by the coroner or his designee are public records.  
13 The coroner shall provide one copy of the autopsy report, **records, writings, and**  
14 **documents of any description in any way compiled, drafted or recorded in**  
15 **connection with an autopsy** upon request by ~~the next of kin~~ **the parent, sibling,**  
16 **child, grandchild, niece, nephew, aunt or uncle** at no charge to ~~the next of kin~~. The  
17 coroner shall provide one copy of the autopsy report upon request by the next of kin

1           **if there is no surviving parent, sibling, child, grandchild, niece, nephew, aunt or**  
2           **uncle at no charge to the next of kin.** The coroner shall provide copies of the autopsy  
3           report, **records, writings, and documents of any description in any way compiled,**  
4           **drafted or recorded in connection with an autopsy** at no charge to the appropriate  
5           law enforcement agencies as requested. The public records fee for any other copy of  
6           an autopsy report shall be the same as that charged by the registrar of vital records  
7           for the state for a death certificate. **The records, writings, and documents of any**  
8           **descriptions in any way compiled, drafted, or recorded in connection with an**  
9           **autopsy shall be provided by the coroner upon payment of a reasonable copying**  
10          **charge pursuant to R.S. 40:1165.1. The autopsy report shall be provided to**  
11          **relatives as provided in this Section at no charge.**

\* \* \*

13           Section 2. This Act shall become effective upon signature by the governor or, if not  
14           signed by the governor, upon expiration of the time for bills to become law without signature  
15           by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
16           vetoed by the governor and subsequently approved by the legislature, this Act shall become  
17           effective on the day following such approval.

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The original instrument was prepared by Angela Lockett De Jean. The following digest, which does not constitute a part of the legislative instrument, was prepared by Ashley Menou.

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DIGEST

SB 241 Engrossed                      2016 Regular Session                      Milkovich

Present law provides that autopsy reports prepared by the coroner or his designee are public records. The coroner shall provide one copy of the autopsy report upon request by the next of kin at no charge to the next of kin.

Proposed law provides that the coroner shall provide one copy of the autopsy report at no charge upon request by the parent, sibling, child, grandchild, niece, nephew, aunt, uncle, or next of kin if there are none of the enumerated surviving relatives.

Present law provides that the coroner shall provide copies of the autopsy report at no charge to the appropriate law enforcement agencies as requested.

Proposed law retains present law and adds that the coroner shall also provide copies of the records, writings, and documents of any description in any way compiled, drafted or recorded in connection with an autopsy at no charge to the appropriate law enforcement agencies as requested.

Present law provides that the public records fee for any other copy of an autopsy report shall be the same as that charged by the registrar of vital records for the state for a death certificate.

Proposed law retains present law and provides that the records, writings, and documents of any descriptions in any way compiled, drafted, or recorded in connection with an autopsy shall be provided by the coroner to the enumerated relatives or next of kin upon payment of a reasonable copying charge.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 13:5713(J))

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill

1. Removes records, writings, and documents of any description in any way compiled, drafted, or recorded in connection with an autopsy from public records.
2. Changes the fee the coroner may assess certain relatives and next of kin for providing copies of records, writings, and documents connected with an autopsy from no charge to a reasonable copying charge as provided in present law for the copying of health care information.