

2018 Regular Session

HOUSE BILL NO. 160

BY REPRESENTATIVE FOIL AND SENATOR CLAITOR

CORONERS: Provides relative to death investigation documents

1 AN ACT

2 To amend and reenact R.S. 13:5713(C)(1)(c), (E)(1), (I), and (J) and R.S. 44:19(A)(3), to  
3 enact R.S. 44:19(E), and to repeal R.S. 13:5713(K), (L), and (M) and 5714(C),  
4 relative to coroners; to provide for requirements of certain death investigation  
5 documents; to provide relative to autopsy reports; to provide relative to notification  
6 requirements; to provide relative to public records; to provide relative to duties of  
7 coroners; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 13:5713(C)(1)(c), (E)(1), (I), and (J) are hereby amended and  
10 reenacted to read as follows:

11 §5713. Duties; autopsies; investigations

12 \* \* \*

13 C.(1)

14 \* \* \*

15 (c) The coroner shall furnish a death certificate based upon his autopsy with  
16 his statement, to the best of his knowledge, of the cause and ~~means~~ manner of death.

17 \* \* \*

18 E.(1) The coroner shall furnish a death certificate based on his examination,  
19 investigation, or autopsy, and he shall state as best he can the cause and ~~means~~  
20 manner of death.

21 \* \* \*

1 I. ~~The coroner shall furnish a copy of his final report or autopsy report, or~~  
2 ~~both, upon written request, to the last attending physician of the deceased or to the~~  
3 ~~designated family physician of the deceased, provided that the family of the deceased~~  
4 ~~has given written authorization to the coroner or to the requesting physician for the~~  
5 ~~release of such report.~~

6 ~~J.(1) Autopsy reports prepared by the coroner or his designee are public~~  
7 ~~records. The coroner shall provide one copy of the autopsy report, records, writings,~~  
8 ~~and documents of any description in any way compiled, drafted or recorded in~~  
9 ~~connection with an autopsy upon request by the spouse, parent, sibling, child,~~  
10 ~~grandchild, niece, nephew, aunt or uncle. If there is no surviving spouse, parent,~~  
11 ~~sibling, child, grandchild, niece, nephew, aunt or uncle, then the coroner shall~~  
12 ~~provide one copy of the autopsy report upon request to the next of kin. The coroner~~  
13 ~~shall provide copies of the autopsy report, records, writings, and documents of any~~  
14 ~~description in any way compiled, drafted or recorded in connection with an autopsy~~  
15 ~~at no charge to the appropriate law enforcement agencies as requested. The public~~  
16 ~~records fee for any other copy of an autopsy report shall be the same as that charged~~  
17 ~~by the registrar of vital records for the state for a death certificate. The records,~~  
18 ~~writings, and documents of any descriptions in any way compiled, drafted, or~~  
19 ~~recorded in connection with an autopsy shall be provided by the coroner upon~~  
20 ~~payment of a reasonable copying charge pursuant to R.S. 40:1165.1. The autopsy~~  
21 ~~report shall be provided to relatives as provided in this Section at no charge.~~

22 ~~(2) The provisions of this Subsection shall not apply to the medical records~~  
23 ~~of the decedent.~~

24 ~~(3) Notwithstanding the provisions of this Subsection, records, writings, and~~  
25 ~~documents of any description in any way compiled, drafted, or recorded in~~  
26 ~~connection with an autopsy which are generated by any public entity other than the~~  
27 ~~coroner shall be obtained from the public entity generating those records, writings,~~  
28 ~~and documents in accordance with other applicable provisions of law.~~

1           ~~K.(1) For the purposes of this Section, an autopsy report is the work product~~  
2           ~~of the coroner or his designee. When a coroner investigates a death, the office of the~~  
3           ~~coroner is required to make available for public inspection and copying the autopsy~~  
4           ~~report which shall contain the following:~~

5                     ~~(a) Name, age, sex, race, and address of the deceased.~~

6                     ~~(b) Date and reported time of death.~~

7                     ~~(c) Physical location, including address if available, where the deceased was~~  
8           ~~found.~~

9                     ~~(d) Date, time, and place of autopsy, and the name of the doctor performing~~  
10           ~~the autopsy and the names of all persons present at the autopsy.~~

11                    ~~(e) Information regarding the autopsy, including whether the autopsy was~~  
12           ~~requested or performed by operation of law, a listing of the physical findings of the~~  
13           ~~autopsy, a summary in narrative form of the medical findings and conclusions, the~~  
14           ~~cause of death, the manner and mechanism of death, and the classification of death~~  
15           ~~as homicide, accidental, suicide, undetermined, or under investigation.~~

16                    ~~(2) Notwithstanding the provisions of Paragraph (1) of this Subsection, in~~  
17           ~~a non-coroner case, no autopsy report shall be made available for public inspection~~  
18           ~~or copying if the classification of death is that of natural causes except upon request~~  
19           ~~by the next of kin or upon request in compliance with R.S. 13:3715.1.~~

20                    ~~(3) Notwithstanding the provisions of Paragraph (1) of this Subsection and~~  
21           ~~notwithstanding the provisions of R.S. 13:5714(C), no autopsy report pertaining to~~  
22           ~~criminal litigation as defined in and in accordance with R.S. 44:3(A) shall be~~  
23           ~~required to be made available for public inspection or copying except as otherwise~~  
24           ~~provided by law.~~

25                    ~~L.(1) Liability shall not be imposed on an elected coroner or his support staff~~  
26           ~~based upon the exercise or performance or the failure to exercise or perform their~~  
27           ~~policymaking or discretionary acts when such acts are within the course and scope~~  
28           ~~of their lawful powers and duties.~~



1           (2) A death investigation report is the work product of the coroner and is an  
2           internal document that comprehensively records the findings and all known  
3           information about the case created by both the investigative and administrative staff  
4           of the coroner's office. The death investigation report is not a public document.  
5           However, it shall be made available at no charge to the appropriate law enforcement  
6           agencies as requested and is subject to subpoena.

7           (3) A coroner's report is a document that includes the name of the decedent,  
8           address, sex, date of birth, age, and race of the decedent, date and time of death,  
9           place of death, date and time of autopsy, when applicable, and the cause and manner  
10          of death. The coroner's report is a public record, and the coroner or his designee  
11          shall release this report to the news media, Department of Children and Family  
12          Services, when appropriate, or to the next of kin pursuant to R.S. 8:655(A).  
13          However, nothing in this Paragraph shall authorize the release of the information set  
14          forth in this Paragraph prior to notification of the next of kin of the deceased unless  
15          no next of kin can be determined or, despite reasonable efforts by the coroner's  
16          office, no next of kin can be located. The provisions of this Paragraph shall not  
17          require the release of information in non-coroner cases.

18          (4) A post-mortem forensic medical examination report, referred to as the  
19          "autopsy report", may include an external examination only, an external examination  
20          with toxicology, toxicology only, or an autopsy with supporting laboratory  
21          evaluation. The post-mortem forensic medical examination report is a document that  
22          is the work product of the coroner that contains the name of the decedent, address,  
23          date of birth, age, sex, and race of the decedent, date and time of death, place of  
24          death, date and time of autopsy, when applicable, name of the doctor performing the  
25          autopsy and names of all persons present at the autopsy, and information regarding  
26          the autopsy, including whether the autopsy was requested or performed by operation  
27          of law, a listing of the physical findings of the autopsy, a summary in narrative form  
28          of the medical findings and conclusions, toxicology, histology, and radiology  
29          findings, when applicable, and the cause and manner of death. The post-mortem

