

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 160

2018 Regular Session

Foil

CORONERS: Provides relative to death investigation documents

Synopsis of Senate Amendments

1. Creates an order of custody for Lafourche Parish which allows the use of video conferencing between the coroner and a peace officer or other credible person physically located in the city of Thibodaux or the town of Matthews.
2. Requires the coroner to provide a fact of death letter, death investigation report, coroner's report, or post-mortem forensic medical examination report, upon request, to the spouse, parent, sibling, child, grandchild, niece, nephew, aunt, or uncle of the decedent, or in the event they do not exist, a copy of the autopsy report shall be provided to the next of kin, upon request.
3. Requires the coroner to provide a copy of the coroner's report to a person with the right to control and authorize the interment of the decedent instead of the next of kin.
4. Makes technical changes.

Digest of Bill as Finally Passed by Senate

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. Additionally, it shall be supplied, upon request, to the spouse, parent, sibling, child, grandchild, niece, nephew, aunt, or uncle of the decedent; however, if they do not exist, a copy shall be supplied to the next of kin.
- (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. Additionally, it shall be supplied, upon request, to the spouse, parent, sibling, child, grandchild, niece, nephew, aunt, or uncle of the decedent; however, if they do not exist, a copy shall be supplied to the next of kin.

- (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, to the spouse, parent, sibling, child, grandchild, niece, nephew, aunt, or uncle or when appropriate the person with the right to control and authorize the interment of the decedent. 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. Provides for this report to be made available to the spouse, parent, sibling, child, grandchild, niece, nephew, aunt, or uncle, 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.

Proposed law creates an order of custody for Lafourche Parish which allows video conferencing between the coroner and a peace officer or other credible person physically located in the city of Thibodaux or the town of Matthews. The peace officer or other credible person must make a statement to the best of their knowledge, belief, and personal observation. The coroner will immediately fax over the form for the order for protective custody based upon the given statements of the peace officer or other credible person. The peace officer or other credible person must sign the form while still on video conference.

(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))