



February 3, 2017

HOUSE BILL No. 1571

DIGEST OF HB 1571 (Updated February 1, 2017 3:49 pm - DI 84)

Citations Affected: IC 36-2.

Synopsis: Autopsy reports. Allows a coroner, in certain circumstances, to make available an autopsy report to the peer review committee of a hospital at which the decedent was treated immediately before death.

Effective: July 1, 2017.

Hatfield, Bacon

January 23, 2017, read first time and referred to Committee on Public Health.
February 2, 2017, reported — Do Pass.

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February 3, 2017

First Regular Session of the 120th General Assembly (2017)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2016 Regular Session of the General Assembly.

HOUSE BILL No. 1571

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 36-2-14-18, AS AMENDED BY P.L.119-2013,
2 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2017]: Sec. 18. (a) Notwithstanding IC 5-14-3-4(b)(1), when
4 a coroner investigates a death, the office of the coroner is required to
5 make available for public inspection and copying the following:
6 (1) The name, age, address, sex, and race of the deceased.
7 (2) The address where the dead body was found, or if there is no
8 address the location where the dead body was found and, if
9 different, the address where the death occurred, or if there is no
10 address the location where the death occurred.
11 (3) The name of the agency to which the death was reported and
12 the name of the person reporting the death.
13 (4) The name of any public official or governmental employee
14 present at the scene of the death and the name of the person
15 certifying or pronouncing the death.
16 (5) Information regarding an autopsy (requested or performed)
17 limited to the date, the person who performed the autopsy, where

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1 the autopsy was performed, and a conclusion as to:

- 2 (A) the probable cause of death;
3 (B) the probable manner of death; and
4 (C) the probable mechanism of death.

5 (6) The location to which the body was removed, the person
6 determining the location to which the body was removed, and the
7 authority under which the decision to remove the body was made.

8 (7) The records required to be filed by a coroner under section 6
9 of this chapter and the verdict and the written report required
10 under section 10 of this chapter.

11 (b) A county coroner or a coroner's deputy who receives an
12 investigatory record from a law enforcement agency shall treat the
13 investigatory record with the same confidentiality as the law
14 enforcement agency would treat the investigatory record.

15 (c) Notwithstanding any other provision of this section, a coroner
16 shall make available a full copy of an autopsy report, other than a
17 photograph, a video recording, or an audio recording of the autopsy,
18 upon the written request of a parent of the decedent, an adult child of
19 the decedent, a next of kin of the decedent, or an insurance company
20 investigating a claim arising from the death of the individual upon
21 whom the autopsy was performed. A parent of the decedent, an adult
22 child of the decedent, a next of kin of the decedent, and an insurance
23 company are prohibited from publicly disclosing any information
24 contained in the report beyond that information that may otherwise be
25 disclosed by a coroner under this section. This prohibition does not
26 apply to information disclosed in communications in conjunction with
27 the investigation, settlement, or payment of the claim.

28 (d) Notwithstanding any other provision of this section, a coroner
29 shall make available a full copy of an autopsy report, other than a
30 photograph, a video recording, or an audio recording of the autopsy,
31 upon the written request of:

- 32 (1) the director of the division of disability and rehabilitative
33 services established by IC 12-9-1-1;
34 (2) the director of the division of mental health and addiction
35 established by IC 12-21-1-1; or
36 (3) the director of the division of aging established by
37 IC 12-9.1-1-1;

38 in connection with a division's review of the circumstances surrounding
39 the death of an individual who received services from a division or
40 through a division at the time of the individual's death.

41 (e) Notwithstanding any other provision of this section, a coroner
42 shall make available, upon written request, a full copy of an autopsy



1 report, including a photograph, a video recording, or an audio recording
2 of the autopsy, to:

- 3 (1) the department of child services established by IC 31-25-1-1,
4 including an office of the department located in the county where
5 the death occurred;
6 (2) the statewide child fatality review committee established by
7 IC 16-49-4; or
8 (3) a county child fatality review team or regional child fatality
9 review team established under IC 16-49-2 for the area where the
10 death occurred;

11 for purposes of an entity described in subdivisions (1) through (3)
12 conducting a review or an investigation of the circumstances
13 surrounding the death of a child (as defined in IC 16-49-1-2) and
14 making a determination as to whether the death of the child was a
15 result of abuse, abandonment, or neglect. An autopsy report made
16 available under this subsection is confidential and shall not be
17 disclosed to another individual or agency, unless otherwise authorized
18 or required by law.

19 **(f) Notwithstanding any other provision of this section, a**
20 **coroner may make available, upon written request, a full copy of**
21 **an autopsy report, other than a photograph, a video recording, or**
22 **an audio recording of the autopsy, to the peer review committee (as**
23 **defined in IC 34-6-2-99) of a hospital at which the decedent was**
24 **treated immediately before death for purposes of the hospital's**
25 **peer review activities. However, if immediately making available**
26 **an autopsy report under this subsection will interfere with the**
27 **coroner's investigation or other legal proceedings related to the**
28 **decedent's death, the coroner may delay making available the**
29 **requested autopsy related information until the investigation or**
30 **other legal proceedings are concluded. An autopsy report made**
31 **available under this subsection is confidential and shall not be**
32 **disclosed to another individual or agency, unless otherwise**
33 **authorized or required by law.**

34 ~~(f)~~ **(g)** Except as provided in subsection ~~(g)~~; **(h)**, the information
35 required to be available under subsection (a) must be completed not
36 later than fourteen (14) days after the completion of:

- 37 (1) the autopsy report; or
38 (2) if applicable, any other report, including a toxicology report,
39 requested by the coroner as part of the coroner's investigation;
40 whichever is completed last.

41 ~~(g)~~ **(h)** The prosecuting attorney may petition a circuit or superior
42 court for an order prohibiting the coroner from publicly disclosing the



1 information required in subsection (a). The prosecuting attorney shall
 2 serve a copy of the petition on the coroner.

3 ~~(h)~~ **(i)** Upon receipt of a copy of the petition described in subsection
 4 ~~(g)~~; **(h)**, the coroner shall keep the information confidential until the
 5 court rules on the petition.

6 ~~(i)~~ **(j)** The court shall grant a petition filed under subsection ~~(g)~~ **(h)**
 7 if the prosecuting attorney proves by a preponderance of the evidence
 8 that public access or dissemination of the information specified in
 9 subsection (a) would create a significant risk of harm to the criminal
 10 investigation of the death. The court shall state in the order the reasons
 11 for granting or denying the petition. An order issued under this
 12 subsection must use the least restrictive means and duration possible
 13 when restricting access to the information. Information to which access
 14 is restricted under this subsection is confidential.

15 ~~(j)~~ **(k)** Any person may petition the court to modify or terminate an
 16 order issued under subsection ~~(i)~~; **(j)**. The petition for modification or
 17 termination must allege facts demonstrating that:

- 18 (1) the public interest will be served by allowing access; and
- 19 (2) access to the information specified in subsection (a) would not
 20 create a significant risk to the criminal investigation of the death.

21 The person petitioning the court for modification or termination shall
 22 serve a copy of the petition on the prosecuting attorney and the coroner.

23 ~~(k)~~ **(l)** Upon receipt of a petition for modification or termination
 24 filed under subsection ~~(j)~~; **(k)**, the court may:

- 25 (1) summarily grant, modify, or dismiss the petition; or
- 26 (2) set the matter for hearing.

27 If the court sets the matter for hearing, upon the motion of any party or
 28 upon the court's own motion, the court may close the hearing to the
 29 public.

30 ~~(l)~~ **(m)** If the person filing the petition for modification or
 31 termination proves by a preponderance of the evidence that:

- 32 (1) the public interest will be served by allowing access; and
- 33 (2) access to the information specified in subsection (a) would not
 34 create a significant risk to the criminal investigation of the death;

35 the court shall modify or terminate its order restricting access to the
 36 information. In ruling on a request under this subsection, the court shall
 37 state the court's reasons for granting or denying the request.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1571, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1571 as introduced.)

KIRCHHOFFER

Committee Vote: Yeas 10, Nays 0

