

HOUSE BILL 1074

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2lr3145
CF SB 779

By: **Delegate Pena–Melnyk**

Introduced and read first time: February 10, 2022

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Office of the Chief Medical Examiner – Access to Records – Attorney General**

3 FOR the purpose of requiring the Office of the Chief Medical Examiner to provide the
4 Attorney General or the Attorney General’s designee with any record that the
5 Attorney General or the Attorney General’s designee requests for the purpose of
6 conducting a legal compliance audit of potential bias in the operation of the Office of
7 the Chief Medical Examiner; and generally relating to the Office of the Chief Medical
8 Examiner, the Attorney General, and access to records.

9 BY repealing and reenacting, with amendments,
10 Article – Health – General
11 Section 5–311
12 Annotated Code of Maryland
13 (2019 Replacement Volume and 2021 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
15 That the Laws of Maryland read as follows:

16 **Article – Health – General**

17 5–311.

18 (a) (1) The Office of the Chief Medical Examiner shall keep complete records
19 on each medical examiner’s case.

20 (2) The records shall be indexed properly and include:

21 (i) The name, if known, of the deceased;

22 (ii) The place where the body was found;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (iii) The date, cause, and manner of death; and

2 (iv) All other available information about the death.

3 (b) The original report of the medical examiner who investigates a medical
4 examiner's case and the findings and conclusions of any autopsy shall be attached to the
5 record of the medical examiner's case.

6 (c) The Chief Medical Examiner or, if the Chief Medical Examiner is absent or
7 cannot act, the Deputy Chief Medical Examiner or an assistant medical examiner, and each
8 deputy medical examiner promptly shall deliver to the State's Attorney for the county
9 where the body was found a copy of each record that relates to a death for which the medical
10 examiner considers further investigation advisable. A State's Attorney may obtain from the
11 office of a medical examiner a copy of any record or other information that the State's
12 Attorney considers necessary.

13 (d) (1) In this subsection, "record":

14 (i) Means the result of an external examination of or an autopsy on
15 a body; and

16 (ii) Does not include a statement of a witness or other individual.

17 (2) A record of the Office of the Chief Medical Examiner or any deputy
18 medical examiner, if made by the medical examiner or by anyone under the medical
19 examiner's direct supervision or control, or a certified transcript of that record, is competent
20 evidence in any court in this State of the matters and facts contained in it.

21 (e) (1) The Office of the Chief Medical Examiner shall charge a reasonable fee
22 for reports as specified in a schedule of fees defined in the regulations of the Office of the
23 Chief Medical Examiner.

24 (2) A deputy medical examiner may keep any fee collected by the deputy
25 medical examiner.

26 **(F) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE**
27 **MEANINGS INDICATED.**

28 **(II) "DOCUMENTARY MATERIAL" HAS THE MEANING STATED IN**
29 **§ 2-601 OF THIS ARTICLE.**

30 **(III) "RECORD":**

31 **1. MEANS THE ORIGINAL OR A COPY OF ANY**
32 **DOCUMENTARY MATERIAL IN ANY FORM THAT:**

1 **A. IS IN THE CUSTODY OF THE OFFICE OF THE CHIEF**
2 **MEDICAL EXAMINER; AND**

3 **B. RELATES TO THE OPERATION OF THE OFFICE OF THE**
4 **CHIEF MEDICAL EXAMINER; AND**

5 **2. INCLUDES A MEDICAL RECORD AS DEFINED IN §**
6 **4-301(J) OF THIS ARTICLE.**

7 **(2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE OFFICE**
8 **OF THE CHIEF MEDICAL EXAMINER SHALL PROVIDE THE ATTORNEY GENERAL OR**
9 **THE ATTORNEY GENERAL'S DESIGNEE WITH ANY RECORD REQUESTED BY THE**
10 **ATTORNEY GENERAL OR THE ATTORNEY GENERAL'S DESIGNEE FOR THE PURPOSE**
11 **OF CONDUCTING A LEGAL COMPLIANCE AUDIT OF POTENTIAL BIAS IN THE**
12 **OPERATION OF THE OFFICE OF THE CHIEF MEDICAL EXAMINER.**

13 **(3) THE OFFICE OF THE CHIEF MEDICAL EXAMINER MAY NOT**
14 **CHARGE A FEE FOR PROVIDING A RECORD UNDER THIS SUBSECTION.**

15 **(4) THE OFFICE OF THE ATTORNEY GENERAL MAY REDISCLOSE ANY**
16 **RECORD PROVIDED UNDER THIS SUBSECTION OUTSIDE THE OFFICE OF THE**
17 **ATTORNEY GENERAL ONLY IN ACCORDANCE WITH:**

18 **(I) TITLE 4 OF THE GENERAL PROVISIONS ARTICLE; AND**

19 **(II) FOR MEDICAL RECORDS, § 4-302(D) OF THIS ARTICLE.**

20 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June**
21 **1, 2022.**