

Introduced by

Representatives Koppelman, Boehning, DeKrey

Senators Bercier, Nelson, Traynor

1 A BILL for an Act to amend and reenact sections 11-19-02, 11-19-03, 11-19.1-11, and
2 23-01-05.4 of the North Dakota Century Code, relating to the confidentiality of inquest and
3 autopsy information.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 11-19-02 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **11-19-02. When coroner to hold inquest.** Except as otherwise specifically provided,
8 the coroner shall hold inquests upon the dead bodies of such persons only as the coroner
9 believes to have died within the coroner's county by unlawful means. Records from the inquest
10 and all autopsy materials are confidential and may only be disclosed to the decedent's
11 immediate family, law enforcement agencies, or pursuant to a court order. The coroner may
12 provide the cause of death for the decedent's death certificate and comply with any other laws
13 requiring a report.

14 **SECTION 2. AMENDMENT.** Section 11-19-03 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **11-19-03. If inquest not held - Certificate filed.** If the coroner does not deem it
17 necessary to hold an inquest in a case brought to the coroner's attention, the coroner shall file a
18 certificate setting forth all the facts in relation to the case with the recorder of the county within
19 which the dead body is found, unless the board of county commissioners designates a different
20 official. The coroner's certificate and any related records are confidential and may only be
21 provided to the decedent's immediate family, law enforcement agencies, or pursuant to a court
22 order. The coroner may provide the cause of death for the decedent's death certificate and
23 comply with any other laws requiring a report.

1 **SECTION 3. AMENDMENT.** Section 11-19.1-11 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **11-19.1-11. Coroner may perform autopsy - Notice of results.** The coroner or the
4 coroner's medical deputy, if the coroner deems it necessary, may take custody of the dead
5 body for the purpose of autopsy. When the coroner does not deem an autopsy necessary, the
6 sheriff and state's attorney may direct an autopsy be performed. Upon the death of a child
7 whose cause of death is suspected by the child's parent or guardian or the coroner or the
8 coroner's medical deputy to have been the sudden infant death syndrome, the coroner or the
9 coroner's medical deputy, after consultation with the parent or guardian, shall take custody of
10 the dead body and shall arrange for the performance of the autopsy by a qualified pathologist,
11 unless the county coroner, sheriff, state's attorney, and the parent or guardian all agree that an
12 autopsy is unnecessary. The parents or guardian and the state health officer shall be promptly
13 notified of the results of that autopsy. The autopsy report and any related materials are
14 confidential and may only be provided to the decedent's immediate family, law enforcement
15 agencies, or pursuant to a court order. The coroner may provide the cause of death for the
16 decedent's death certificate and comply with any other law requiring a report.

17 **SECTION 4. AMENDMENT.** Section 23-01-05.4 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **23-01-05.4. Department to employ state forensic examiner - Qualifications -**
20 **Duties.** The state department of health may employ and establish the qualifications and
21 compensation of the state forensic examiner. The state forensic examiner must be a licensed
22 physician. The state forensic examiner shall:

- 23 1. Consult with local coroners on the performance of their duties as coroners;
- 24 2. Conduct investigations into the cause of death of and perform autopsies on any
25 dead body whenever requested to do so by the acting local county coroner or the
26 local state's attorney;
- 27 3. Provide training and educational materials to local county coroners, law
28 enforcement, and any other person the state forensic examiner deems necessary;
29 and
- 30 4. Treat all materials received or created as part of an investigation as confidential
31 criminal justice information, but the state forensic examiner may provide

- 1 information to the decedent's immediate family or provide the cause of death for
- 2 the decedent's death certificate, comply with any other law requiring a report, or
- 3 comply with a court order; and
- 4 5. Perform other duties assigned by the state health officer.