

Testimony
House Bill No. 1068
House Human Services Committee
Representative Matthew Ruby, Chairman
January 8, 2025

Chairman Ruby, and members of the House Human Services Committee, I am Kirby Kruger, Director of the Disease Control and Forensic Pathology with the Department of Health and Human Services (Department). I appear before you in support of House Bill No. 1068, which was introduced at the request of the Department.

Section 1 of this bill clarifies which records from the State Forensic Examiners Office or forensic examiner's designee, can be released and to whom and defines the conditions of release. In addition, the bill clarifies the release of autopsy photographs or visual images or video or audio recordings.

Section 2 of the bill removes the language from North Dakota Century Code (NDCC) § 44-04-18.18 that is covered in Section 1 of the bill. This consolidates statute pertaining to autopsy related records and materials to be all part of title 23 of the Century Code.

On Page 1, definitions for notes and working papers were added to clarify notes, dictations and working papers as separate from an autopsy report or report of death. The definition of working papers excludes autopsy photographs or other visual images or video or audio recordings.

On page 2, line 10, if the report of death is requested by the next of kin before that report becomes an open record, then next of kin would need

to provide satisfactory proof of the relationship to the decedent before the report of death would be released.

On page 2, lines 23-31, autopsies photos, and other visual images, video or audio recordings are moved to subsection 7 of N.D.C.C. § 23-01-05.5 on page 4 of the bill. The language also specifies that, unless specified in 23-01-05.5, the proper procedure for requesting working papers and the autopsy report is in N.D.C.C. § 44-04-18.11.

On Page 3 on lines 4 and 5, a definition for criminal justice agency, referring to N.D.C.C. § 44-04-18.7 was added. On line 15, subdivision e was added allowing the release of autopsy reports and working papers to the suicide fatality review commission if there is no active criminal investigation.

On page 3, lines 17 through 31, subsection 6 clarifies that a decedent's child needs to be eighteen years of age or older to request and receive a copy of the autopsy report. On page 4, line 3, subsection g was added to authorize the maternal mortality review committee to receive a copy of the autopsy report.

On pages 4 and 5, the bill clarifies the release of autopsy photographs, visual images, video or audio recordings, which includes the conditions in which these materials can be used for educational purposes and the advancement of training. All of the current authorized releases outlined in N.D.C.C. § 44-04-18.18 have been carried over to a singular statute.

Subsection 8 on page 5 also clarifies that photographs and visual images of the decedent taken by others and notes are confidential.

Section 2 of the bill is the deletion of the portion of the Century Code in N.D.C.C. § 44-04-18.18 dealing with autopsy photographs or other visual image or a video or audio recordings. This language, as part of this bill, is moved to NDCC 23-01-05.5. Section 2 of the bill adds language to N.D.C.C. § 44-04-18.18 referring members of the public or other users to N.D.C.C. § 23-01-05.5 for the release of these materials.

This concludes my testimony. I would be happy to try to answer any questions the committee may have. Thank you.