

Testimony
House Bill No.1068
Senate Human Services Committee
Senator Judy Lee, Chairwoman
February 17, 2025

Chairwoman Lee, and members of the Senate 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 amends § 43-10-10.1 relating to funeral practices.

Section 3 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 13, 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 29-30 and page 3, lines 1-2, 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 N.D.C.C. § 44-04-18.11.

On Page 3 on lines 8 and 9, a definition for criminal justice agency, referring to N.D.C.C. § 44-04-18.7 was added. On line 19, subsection 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 21 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 7, 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. 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 are confidential. Subsection 8 on page 5 was amended to clarify that this section applies to materials in the possession of the state forensic examiner, the examiner's designee or any county coroner.

Section 2 of the bill amends statute relating to funeral practices. On page 6, line 10 clarifies that unlicensed individuals, employed by a funeral establishment, can perform gravesite services for cremated remains.

Section 3 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 3 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.