

HOUSE BILL NO. 1132

Introduced by

Judiciary Committee

(At the request of the State Department of Health)

1 A BILL for an Act to create and enact section 23-01-05.5 of the North Dakota Century Code,
2 relating to the use and disclosure of autopsy reports by the state forensic examiner.

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

4 **SECTION 1.** Section 23-01-05.5 of the North Dakota Century Code is created and
5 enacted as follows:

6 **23-01-05.5. Autopsy reports - Confidential - Exceptions.**

- 7 1. A final autopsy report and any working papers and notes relating to a final autopsy
8 report are confidential but, subject to the limitations on the disclosure of an autopsy
9 photograph or other visual image or video or audio recording of an autopsy under
10 section 44-04-18.11, may be disclosed pursuant to a court order as provided in this
11 section and as otherwise expressly provided by law.
- 12 2. The state forensic examiner shall disclose a copy of the final autopsy report:
- 13 a. To any county coroner with jurisdiction over the death;
- 14 b. To any state's attorney or criminal justice agency with jurisdiction over an
15 investigation of the death and the state's attorney or criminal justice agency
16 may use or disclose these materials for the purposes of an investigation or
17 prosecution;
- 18 c. To workforce safety and insurance if the death is related to the decedent's
19 work; and
- 20 d. In accordance with a court order.
- 21 3. The state forensic examiner upon request shall disclose a copy of the final autopsy
22 report to:

- 1 a. The decedent's personal representative, and to the decedent's spouse, child,
2 parent, or sibling, upon proof of the relationship, if there is no active criminal
3 investigation;
- 4 b. A physician or hospital who treated the deceased immediately prior to death if
5 there is no active criminal investigation;
- 6 c. An insurance company upon proof that the decedent was covered by or a
7 beneficiary under a policy issued by the company; and
- 8 d. The food and drug administration, the national transportation safety board, the
9 occupational health and safety administration, and any other federal or state
10 agency with authority to obtain an autopsy report to investigate a death
11 resulting from the decedent's type of injury or illness.
- 12 4. As used in this section, final autopsy report means the final official report on the
13 cause of death and manner of death issued by the state forensic examiner.