

Sixty-first
Legislative Assembly
of North Dakota

HOUSE BILL NO.

Introduced by

Representative Heller

1 A BILL for an Act to amend and reenact sections 11-19.1-08 and 44-04-18.18 of the North
2 Dakota Century Code, relating to the confidentiality of autopsy reports.

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

4 **SECTION 1. AMENDMENT.** Section 11-19.1-08 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **11-19.1-08. Records of coroner's office.** ~~It is the duty of the~~ The coroner ~~to~~ shall
7 keep a full and complete record and ~~to~~ fill in the cause of death upon the death certificate in all
8 cases coming under the coroner's jurisdiction. All records must be kept in the office of the
9 coroner; if the coroner maintains an office as coroner, ~~and if.~~ If the coroner maintains no
10 separate office, then the records must be kept in the office of the recorder of the county; unless
11 the board of county commissioners designates a different official, ~~and.~~ The records must be
12 properly indexed, stating the name, if known, of every deceased ~~person~~ individual, the place
13 where the body was found, date of death, cause of death, and all other available information
14 required by this chapter. The report of the coroner and the detailed findings of the autopsy, if
15 one was performed, must be attached to the report of every case. The coroner ~~shall~~ promptly
16 shall deliver or cause to be delivered to the state's attorney of the county in which a death
17 occurred copies of all necessary records relating to every death in which the coroner or state's
18 attorney determines further investigation advisable. The sheriff of the county, the police of the
19 city, or the state highway patrolmen on duty in that county in which the death occurred may be
20 requested to furnish more information or make further investigation by the coroner or the
21 coroner's deputy. The state's attorney may obtain from the office of the coroner copies of
22 records and other information necessary for further investigation. ~~All~~ Except as provided in
23 section 44-04-18.18, all records of the coroner ~~shall become and remain~~ are the property of the
24 county and are public records.

1 **SECTION 2. AMENDMENT.** Section 44-04-18.18 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **44-04-18.18. Autopsy images - Confidential - Exceptions.**

- 4 1. An autopsy report or an autopsy photograph or other visual image or a video or
5 audio recording of an autopsy is confidential. However, a criminal justice agency
6 or other authorized investigative entity may use or disclose these materials for
7 purposes of an investigation or prosecution.
- 8 2. a. After redacting all information identifying the decedent, including name,
9 address, and social security number, and anonymizing facial recognition, a
10 medical examiner, coroner, or physician may use an autopsy photograph,
11 image, or recording for:
- 12 (1) Medical or scientific teaching or training purposes;
13 (2) Teaching or training of law enforcement personnel;
14 (3) Teaching or training of attorneys or others with a bona fide professional
15 need to use or understand forensic science;
16 (4) Conferring with medical or scientific experts; or
17 (5) Publication in a scientific or medical journal or textbook.
- 18 b. A medical examiner, coroner, or physician who has in good faith complied
19 with this subsection is not subject to any penalty or liability for using an
20 autopsy photograph, image, or recording.
- 21 3. The decedent's spouse, child, parent, or sibling, upon proof of the relationship, is
22 entitled to receive a copy of an autopsy report and may view an autopsy
23 photograph, image, or recording in the business office of a medical examiner,
24 coroner, or physician who has possession of the materials, if there is not an active
25 criminal investigation or prosecution.
- 26 4. Disclosure of an autopsy report, photograph, image, or recording may be obtained
27 under section 44-04-18.11.