

COMMITTEE BILL ANALYSIS

Bill: HB 207

Printer's No.: 2558

Sponsor: Rep. Godshall

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Synopsis: This bill adds a new Chapter 89 to Title 20 (Decedents, Estates and Fiduciaries) relating to the confidentiality of audiovisual materials from autopsies.

Summary:

The bill establishes the general rule that no person may take photographs of a decedent's body or audio recordings or video recordings during an autopsy without the consent of the person authorized to perform the autopsy. The second general rule established in this bill is that all audiovisual materials from autopsies are confidential and may not be released by any person associated with the performance of the autopsy.

The bill allows audiovisual materials from autopsies to be released under the following circumstances:

- Upon consent of the decedent or a person a representative, except that during an investigation by law enforcement or a coroner, a hearing on the release must be held and release can only be accomplished through the issuance of a court order
- To federal, state, or local law enforcement officers in the performance of their official duties
- To a coroner or medical examiner for use in the performance of their official duties or training, including conferral with medical and scientific experts for teaching and training.

- When an autopsy is conducted pursuant to consent of the decedent or a personal representative, the physician who performs the autopsy may use the materials for teaching, training or publication in a medical or scientific journal or textbook provided that they redact the identity of the decedent
- Any person that has obtained a court order for release after notice and a hearing showing that release of the material is necessary to protect public health and safety or is necessary for pending litigation, and the need for the materials outweighs the privacy interest of the decedent

This bill provides that the unauthorized preparation of autopsy material is a misdemeanor of the second degree with a penalty of up to two years imprisonment and a fine up to \$5,000. The unauthorized release of such material is a misdemeanor of the first degree with a penalty of up to five years imprisonment and a fine up to \$10,000.

Effective date: The act takes effect in 60 days.

Background: There have been instances when autopsy photographs of professional race car drivers and other celebrities have been leaked and posted on the Internet. This bill seeks to protect the privacy and dignity of the deceased person and protect the family of the deceased from the emotional harm that follows from such a disclosure. The House of Representatives passed the bill on November 20, 2013 by a vote of 199-0.