

2018 Regular Session

SENATE BILL NO. 67

BY SENATOR CLAITOR

PUBLIC RECORDS. Provides relative to certain reports of coroners. (8/1/18)

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AN ACT

To amend and reenact R.S. 13:5713 and R.S. 44:19(A)(3), to enact R.S. 44:19(E), and to repeal R.S. 13:5714(C), relative to coroner reports and duties; to provide for autopsies; to provide for investigations to determine cause of death; to provide relative to coroner final report; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:5713 is hereby amended and reenacted to read as follows:

§5713. Duty to hold autopsies, investigations, etc.

A. The coroner shall either view the body or make an investigation into the cause and manner of death in all cases involving the following:

- (1) Suspicious, unexpected, or unusual deaths.
- (2) Sudden or violent deaths.
- (3) Deaths due to unknown or obscure causes or in any unusual manner.
- (4) Bodies found dead.
- (5) Deaths due to suspected suicide or homicide.
- (6) Deaths in which poison is suspected.
- (7) Any death from natural causes occurring in a hospital under twenty-four

1 hours of admission.

2 (8) Deaths following an injury or accident either old or recent.

3 (9) Deaths due to drowning, hanging, burns, electrocution, gunshot wounds,
4 stabs or cutting, lightning, starvation, radiation, exposure, alcoholism, addiction,
5 tetanus, strangulation, suffocation, or smothering.

6 (10) Deaths due to trauma from whatever cause.

7 (11) Deaths due to criminal means or by casualty.

8 (12) Deaths in prison or while serving a sentence.

9 (13) Deaths due to virulent contagious disease that might be caused by or
10 cause a public hazard, including acquired immune deficiency syndrome.

11 B.(1) The coroner may perform or cause to be performed by a competent
12 physician an autopsy in any case in his discretion. The coroner shall perform or
13 cause to be performed by a competent physician an autopsy in the case of any death
14 where there is a reasonable probability that the violation of a criminal statute has
15 contributed to the death.

16 (2) The coroner or the district attorney may order the disinterment of any
17 dead body within his jurisdiction under the direction or supervision of the person
18 ordering the disinterment or his designee, and may authorize the removal of such
19 dead body to a place designated by the person ordering the disinterment for the
20 purpose of examination and autopsy and, when such is completed, order the
21 reinterment of the body.

22 (3) The coroner may hold any dead body for any length of time that he deems
23 necessary. However, the coroner shall expedite any investigation at the scene of an
24 accident involving a fatality so as not to unduly delay the removal of the dead body
25 from the accident scene. However, if a bodily substance sample for a toxicology
26 screen is extracted at the accident scene, the extraction procedure shall be performed
27 outside of public view.

28 (4)(a) He may remove and retain for testing or examination any specimens,
29 organs, or other portion of the remains of the deceased that he may deem necessary

1 or advisable as possible evidence before a grand jury or court, subject to the
2 limitation set forth in R.S. 32:661(A)(2).

3 (b) The coroner may also remove and retain any specimens or organs of the
4 deceased which in his discretion are necessary or desirable for anatomical,
5 bacteriological, chemical, or toxicological examination, subject to the limitation set
6 forth in R.S. 32:661(A)(2).

7 C.(1)(a) The coroner shall perform or cause to be performed by a competent
8 physician an autopsy in all cases of infants under the age of one year who die
9 unexpectedly without explanation.

10 (b) The autopsy shall include microscopic and toxicology studies.

11 (c) The coroner shall furnish a death certificate based upon his autopsy with
12 his statement, to the best of his knowledge, of the cause and ~~means~~ **manner** of death.

13 (2) If the coroner finds that the cause of death was Sudden Infant Death
14 Syndrome, he shall notify the director of the parish health unit within forty-eight
15 hours after such determination.

16 (3) In preparing the certificate of death, the coroner may not, in lieu of an
17 autopsy, rely on statements of relatives, persons in attendance during the last
18 sickness, persons present at the time of death, or other persons having adequate
19 knowledge of the facts, even if such data may be permitted in other cases in this
20 Section.

21 (4) The coroner shall not perform an autopsy if the parents of the infant
22 provide to the coroner their objection in writing, unless the coroner finds that the
23 facts surrounding the death require that an autopsy be performed in the interest of the
24 public safety, public health, or public welfare.

25 D. If the family of the deceased objects to an autopsy on religious grounds,
26 the autopsy shall not be performed unless the coroner finds that the facts surrounding
27 the death require that an autopsy be performed in the interest of the public safety,
28 public health, or public welfare. In such cases the coroner shall provide the family
29 his written reasons for the necessity of the autopsy.

1 E.(1) The coroner shall furnish a death certificate based on his examination,
2 investigation, or autopsy, and he shall state as best he can the cause and ~~means~~
3 **manner** of death.

4 (2) If it appears that death was due to accident, suicide, or homicide, he shall
5 so state.

6 (3) The cause of death, and the manner or mode in which the death occurred,
7 as incorporated in the death certificate as provided in the Vital Statistics Laws, R.S.
8 40:32 et seq., filed with the division of vital records of the Louisiana Department of
9 Health, shall be the legally accepted cause of death, unless the court of the parish in
10 which the death occurred, after a hearing, directs otherwise.

11 (4) In the case of a death without medical attendance, if there is no reason to
12 suspect the death was due to violence, casualty, or undue means, the coroner may
13 make the certificate of death from the statement of relatives, persons in attendance
14 during the last sickness, persons present at the time of death, or other persons having
15 adequate knowledge of the facts.

16 F. The coroner or his designee shall examine all alleged victims of a sexually-
17 oriented criminal offense. The coroner may select the hospital or healthcare provider
18 named as the lead entity for sexual assault examinations in the regional plan required
19 by R.S. 40:1300.41 as his designee to perform the forensic medical examination.

20 G.(1) Notwithstanding any provision of law to the contrary, when the coroner
21 is required to furnish information for the issuance of a death certificate by the office
22 of vital statistics, the coroner shall do so within ten working days after the receipt of
23 all test and investigation results or information associated with the investigation into
24 the cause and manner of death.

25 (2) If the coroner is unable to furnish the information required pursuant to
26 Paragraph (1) of this Subsection within ten days after taking charge of the case, upon
27 request, the coroner shall issue a written statement attesting to the fact of death,
28 which shall constitute proof of death for all purposes, including but not limited to,
29 any claim under any policy of insurance issued on the life of the deceased individual.

1 H. In deaths investigated by the coroner where he is not able to establish the
2 identity of the dead body by visual means, fingerprints, or other identifying data, the
3 coroner shall have a qualified dentist or forensic anthropologist or forensic
4 pathologist carry out a dental examination of the dead body. If the coroner, with the
5 aid of the dental examination, is still not able to establish the identity of the dead
6 body, the coroner shall prepare and forward the dental examination and other
7 identifying records to state and local law enforcement agencies. When the dead body
8 may be that of an individual under the age of eighteen years, the coroner shall send
9 this information to the Missing and Exploited Children Information Clearinghouse
10 within the Department of Public Safety and Corrections, office of state police.

11 ~~I. The coroner shall furnish a copy of his final report or autopsy report, or~~
12 ~~both, upon written request, to the last attending physician of the deceased or to the~~
13 ~~designated family physician of the deceased, provided that the family of the deceased~~
14 ~~has given written authorization to the coroner or to the requesting physician for the~~
15 ~~release of such report.~~

16 ~~J.(1) Autopsy reports prepared by the coroner or his designee are public~~
17 ~~records. The coroner shall provide one copy of the autopsy report, records, writings,~~
18 ~~and documents of any description in any way compiled, drafted or recorded in~~
19 ~~connection with an autopsy upon request by the spouse, parent, sibling, child,~~
20 ~~grandchild, niece, nephew, aunt or uncle. If there is no surviving spouse, parent,~~
21 ~~sibling, child, grandchild, niece, nephew, aunt or uncle, then the coroner shall~~
22 ~~provide one copy of the autopsy report upon request to the next of kin. The coroner~~
23 ~~shall provide copies of the autopsy report, records, writings, and documents of any~~
24 ~~description in any way compiled, drafted or recorded in connection with an autopsy~~
25 ~~at no charge to the appropriate law enforcement agencies as requested. The public~~
26 ~~records fee for any other copy of an autopsy report shall be the same as that charged~~
27 ~~by the registrar of vital records for the state for a death certificate. The records,~~
28 ~~writings, and documents of any descriptions in any way compiled, drafted, or~~
29 ~~recorded in connection with an autopsy shall be provided by the coroner upon~~

1 ~~payment of a reasonable copying charge pursuant to R.S. 40:1165.1. The autopsy~~
2 ~~report shall be provided to relatives as provided in this Section at no charge.~~

3 ~~(2) The provisions of this Subsection shall not apply to the medical records~~
4 ~~of the decedent.~~

5 ~~(3) Notwithstanding the provisions of this Subsection, records, writings, and~~
6 ~~documents of any description in any way compiled, drafted, or recorded in~~
7 ~~connection with an autopsy which are generated by any public entity other than the~~
8 ~~coroner shall be obtained from the public entity generating those records, writings,~~
9 ~~and documents in accordance with other applicable provisions of law.~~

10 ~~K.(1) For the purposes of this Section, an autopsy report is the work product~~
11 ~~of the coroner or his designee. When a coroner investigates a death, the office of the~~
12 ~~coroner is required to make available for public inspection and copying the autopsy~~
13 ~~report which shall contain the following:~~

14 ~~(a) Name, age, sex, race, and address of the deceased.~~

15 ~~(b) Date and reported time of death.~~

16 ~~(c) Physical location, including address if available, where the deceased was~~
17 ~~found.~~

18 ~~(d) Date, time, and place of autopsy, and the name of the doctor performing~~
19 ~~the autopsy and the names of all persons present at the autopsy.~~

20 ~~(e) Information regarding the autopsy, including whether the autopsy was~~
21 ~~requested or performed by operation of law, a listing of the physical findings of the~~
22 ~~autopsy, a summary in narrative form of the medical findings and conclusions, the~~
23 ~~cause of death, the manner and mechanism of death, and the classification of death~~
24 ~~as homicide, accidental, suicide, undetermined, or under investigation.~~

25 ~~(2) Notwithstanding the provisions of Paragraph (1) of this Subsection, in a~~
26 ~~non-coroner case, no autopsy report shall be made available for public inspection or~~
27 ~~copying if the classification of death is that of natural causes except upon request by~~
28 ~~the next of kin or upon request in compliance with R.S. 13:3715.1.~~

29 ~~(3) Notwithstanding the provisions of Paragraph (1) of this Subsection and~~

1 administrative staff of the coroner's office. The Death Investigation Report is
2 not a public document; however, it shall be made available at no charge to the
3 appropriate law enforcement agencies as requested and is subject to subpoena.

4 (3) A Coroner's Report is a document that includes the name of the
5 decedent, address, sex, and race of the decedent, date of birth, age, date and
6 time of death, place of death, date and time of autopsy, when applicable, and the
7 cause and manner of death. The Coroner's Report shall be a public record. The
8 coroner or his designee shall release this report to the news media, Department
9 of Children and Family Services, when appropriate, or to the next of kin
10 pursuant to R.S. 8:655(A). Nothing in this Subsection shall authorize the release
11 of the information set forth herein prior to notification of the next of kin to the
12 deceased unless no next of kin can be determined or, despite reasonable efforts
13 by the coroner's office, no next of kin can be located. This Subsection shall not
14 require the release of information in non-coroner cases.

15 (4) A Post-Mortem Forensic Medical Examination Report is a document
16 that is the work product of the coroner that contains the name of the decedent,
17 address, sex, race, date of birth, age, date and time of death, place of death, and
18 the date and time of autopsy, when applicable. The Post-Mortem Forensic
19 Medical Examination Report may include an external examination only, an
20 external examination with toxicology, toxicology only, or an autopsy with
21 supporting laboratory evaluation. Furthermore, the autopsy may include the
22 name of the doctor performing the autopsy, the names of all persons present at
23 the autopsy, and information regarding the autopsy, including: whether the
24 autopsy was requested or performed by operation of law; a listing of the
25 physical findings of the autopsy; a summary in narrative form of the medical
26 findings and conclusions; toxicology, histology, and radiology findings; and the
27 cause and manner of death. The Post-Mortem Forensic Medical Examination
28 Report shall not be a public document; however, it shall be made available at
29 no charge to the appropriate law enforcement agencies as requested and is

