

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0535.01 Jed Franklin x5484

HOUSE BILL 24-1244

HOUSE SPONSORSHIP

Winter T. and Snyder,

SENATE SPONSORSHIP

Michaelson Jenet and Gardner,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE CIRCUMSTANCES UNDER WHICH AN AUTOPSY
102 REPORT PREPARED IN CONNECTION WITH THE DEATH OF A
103 MINOR MAY BE RELEASED TO CERTAIN PARTIES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill specifies that an autopsy report prepared in connection with the death of a minor is confidential and may be disclosed by the county coroner to another person or entity only in accordance with certain exceptions.

Under the bill, the coroner or the coroner's designee may only

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

provide a copy of the autopsy report prepared in connection with the death of a minor to:

- A parent or legal guardian of the deceased;
- A law enforcement or criminal justice agency;
- A requesting party in a civil case;
- Counsel for the defendant or the respondent for discovery purposes in a criminal case;
- A law enforcement agency that is investigating the death;
- A state, local, or regional child fatality prevention review team;
- The Colorado department of public health and environment as necessary for the collection of data in accordance with the Colorado violent death reporting system;
- The Colorado child fatality review team;
- A county department of human or social services;
- The division of youth services in the Colorado department of human services;
- A health-care facility where the deceased had received treatment;
- A community clinic or a treating hospital for inclusion within the medical records of the deceased;
- An eye bank, organ procurement organization, or a tissue bank;
- A local or regional domestic violence fatality review team;
- The Colorado department of human services in connection with the investigation of a fatality that has occurred within any facility licensed under the "child care licensing act";
- The office of the child protection ombudsman; or
- A health-care provider that had previously established a patient-provider relationship with the deceased.

Upon written request, the coroner shall not release a copy of the autopsy report and instead shall release the cause, time, place, and manner of the minor's death and the age, gender, and race or ethnicity of the deceased minor. This information must be released within 3 days of the request or 3 days of receiving the information, whichever is later.

Under the bill, any person may petition a district court to allow the person access to an autopsy report prepared in connection with the death of a minor. The district court shall provide access if:

- Public disclosure of the report substantially outweighs the harm to the privacy interests of the deceased and members of the family of the deceased; and
- The information sought by the petitioner is not otherwise publicly available.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 30-10-606.7 as
3 follows:

4 **30-10-606.7. Autopsy reports - death of a minor - confidential**
5 **- exceptions - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE
6 CONTEXT OTHERWISE REQUIRES:

7 (a) "AUTOPSY REPORT" MEANS THE REPORT OF THE CORONER OR
8 THE CORONER'S DESIGNEE ON THE POST-MORTEM EXAMINATION OF A
9 DECEASED INDIVIDUAL TO DETERMINE THE CAUSE OR MANNER OF DEATH,
10 INCLUDING ANY WRITTEN ANALYSIS, DIAGRAM, PHOTOGRAPH, OR
11 TOXICOLOGICAL TEST RESULTS.

12 (b) "MINOR" MEANS A PERSON UNDER THE AGE OF EIGHTEEN
13 YEARS.

14 (2) (a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN
15 AUTOPSY REPORT PREPARED IN CONNECTION WITH THE DEATH OF A MINOR
16 IS CONFIDENTIAL AND MAY BE DISCLOSED BY THE CORONER TO ANY OTHER
17 PERSON OR ENTITY ONLY IN ACCORDANCE WITH THE REQUIREMENTS OF
18 THIS SECTION.

19 (b) THE CORONER OR THE CORONER'S DESIGNEE MAY ONLY
20 PROVIDE A COPY OF THE AUTOPSY REPORT PREPARED IN CONNECTION WITH
21 THE DEATH OF A MINOR TO:

22 (I) A PARENT OR LEGAL GUARDIAN OF THE DECEASED IF THE
23 PARENT OR LEGAL GUARDIAN SUBMITS A COPY OF A WRITTEN REQUEST TO
24 THE CORONER FOR A COPY OF THE REPORT AND AN AFFIDAVIT, SIGNED BY
25 THE PARENT OR LEGAL GUARDIAN UNDER THE PENALTY OF PERJURY,
26 VERIFYING THE PARENT'S OR LEGAL GUARDIAN'S RELATIONSHIP TO THE
27 DECEDENT;

1 (II) A LAW ENFORCEMENT OR CRIMINAL JUSTICE AGENCY,
2 INCLUDING A DISTRICT ATTORNEY, THAT IS EITHER INVESTIGATING THE
3 DEATH OR PROSECUTING A CRIMINAL VIOLATION ARISING OUT OF THE
4 DEATH UPON THE REQUEST OF THE LAW ENFORCEMENT OR CRIMINAL
5 JUSTICE AGENCY, INCLUDING A DISTRICT ATTORNEY;

6 (III) A REQUESTING PARTY IN A CIVIL CASE WHERE THE MOVING
7 PARTY DEMONSTRATES TO THE COURT THAT THE AUTOPSY REPORT IS
8 DISCOVERABLE IN ACCORDANCE WITH RULE 26 (b)(1) OF THE COLORADO
9 RULES OF CIVIL PROCEDURE, UPON THE ENTRY OF A SPECIFIC ORDER OF THE
10 COURT AUTHORIZING DISCLOSURE OF THE AUTOPSY REPORT, AND IN
11 ACCORDANCE WITH ANY PROTECTIVE ORDER NECESSARY TO LIMIT
12 DISCLOSURE OF THE IDENTITY OF THE DECEASED AND OTHER IDENTIFYING
13 PERSONAL INFORMATION;

14 (IV) COUNSEL FOR THE DEFENDANT, OR THE DEFENDANT IF THE
15 DEFENDANT IS NOT REPRESENTED BY COUNSEL, FOR DISCOVERY PURPOSES
16 IN A CRIMINAL CASE UPON THE ENTRY OF A SPECIFIC ORDER OF THE COURT
17 AUTHORIZING DISCLOSURE OF THE AUTOPSY REPORT IN ACCORDANCE WITH
18 RULE 16 OF THE COLORADO RULES OF CRIMINAL PROCEDURE ONLY IF
19 DISCOVERY HAS NOT OTHERWISE BEEN PROVIDED TO COUNSEL OR THE
20 DEFENDANT;

21 (V) A STATE CHILD FATALITY PREVENTION REVIEW TEAM
22 ESTABLISHED PURSUANT TO SECTION 25-20.5-406 OR A LOCAL OR
23 REGIONAL CHILD FATALITY PREVENTION REVIEW TEAM ESTABLISHED
24 PURSUANT TO SECTION 25-20.5-404 UPON THE REQUEST OF THE
25 APPLICABLE REVIEW TEAM;

26 (VI) THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND
27 ENVIRONMENT AS NECESSARY FOR THE COLLECTION OF DATA IN

1 ACCORDANCE WITH THE COLORADO VIOLENT DEATH REPORTING SYSTEM;

2 (VII) THE COLORADO CHILD FATALITY REVIEW TEAM, AS DEFINED
3 IN SECTION 26-1-139 (2)(e), UPON THE REQUEST OF THE REVIEW TEAM;

4 (VIII) A COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES IN
5 CONNECTION WITH THE INVESTIGATION OF AN INCIDENCE OF ALLEGED
6 ABUSE OR NEGLECT OF A MINOR;

7 (IX) THE DIVISION OF YOUTH SERVICES IN THE DEPARTMENT OF
8 HUMAN SERVICES IN CONNECTION WITH THE INVESTIGATION OF A
9 FATALITY THAT HAS OCCURRED WITHIN A STATE-OWNED OR -OPERATED
10 FACILITY;

11 (X) A HEALTH-CARE FACILITY THAT IS LICENSED OR CERTIFIED IN
12 ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 3 OF TITLE 25 AT
13 WHICH FACILITY THE DECEASED HAD PREVIOUSLY RECEIVED TREATMENT;

14 (XI) A COMMUNITY CLINIC, AS DEFINED IN SECTION 25-1.5-103
15 (2)(a.5), OR A TREATING HOSPITAL FOR INCLUSION WITHIN THE MEDICAL
16 RECORDS OF THE DECEASED;

17 (XII) AN EYE BANK, AN ORGAN PROCUREMENT ORGANIZATION, OR
18 A TISSUE BANK, AS THOSE TERMS ARE DEFINED IN SECTION 15-19-202 (10),
19 (16), AND (31), RESPECTIVELY;

20 (XIII) A LOCAL OR REGIONAL DOMESTIC VIOLENCE FATALITY
21 REVIEW TEAM, AS DEFINED IN SECTION 24-31-701 (4), OR THE COLORADO
22 DOMESTIC VIOLENCE FATALITY REVIEW BOARD CREATED IN SECTION
23 24-31-702 (1) UPON THE REQUEST OF A TEAM OR THE BOARD, AS
24 APPLICABLE;

25 (XIV) THE COLORADO DEPARTMENT OF HUMAN SERVICES IN
26 CONNECTION WITH THE INVESTIGATION OF A FATALITY THAT HAS
27 OCCURRED WITHIN ANY FACILITY THAT IS LICENSED UNDER THE "CHILD

1 CARE LICENSING ACT", PART 3 OF ARTICLE 5 OF TITLE 26.5;

2 (XV) THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN
3 ESTABLISHED IN SECTION 19-3.3-102 (1)(a); OR

4 (XVI) A HEALTH-CARE PROVIDER LICENSED IN ACCORDANCE WITH
5 THE REQUIREMENTS OF TITLE 12 THAT HAD PREVIOUSLY ESTABLISHED A
6 PATIENT-PROVIDER RELATIONSHIP WITH THE DECEASED.

7 (3) (a) NOTWITHSTANDING ANY OTHER PROVISION OF THIS
8 SECTION, UPON WRITTEN REQUEST BY ANY INDIVIDUAL, A CORONER SHALL
9 NOT RELEASE A COPY OF THE AUTOPSY REPORT PREPARED IN CONNECTION
10 WITH THE DEATH OF A MINOR, AND SHALL INSTEAD RELEASE THE
11 FOLLOWING INFORMATION PERTAINING TO THE DEATH OF A MINOR:

12 (I) CAUSE OF DEATH;

13 (II) TIME, PLACE, AND MANNER OF DEATH; AND

14 (III) AGE, GENDER, AND RACE OR ETHNICITY OF THE DECEASED
15 MINOR.

16 (b) THE CORONER SHALL RELEASE THE INFORMATION REQUIRED IN
17 SUBSECTIONS (3)(a)(I) TO (3)(a)(III) OF THIS SECTION WITHIN THREE
18 BUSINESS DAYS OF RECEIPT OF THE WRITTEN REQUEST OR THREE BUSINESS
19 DAYS AFTER RECEIVING THE INFORMATION, WHICHEVER IS LATER. IF THE
20 INFORMATION IS INCOMPLETE WHEN RELEASED, THE CORONER SHALL
21 DISCLOSE THAT ANY MISSING INFORMATION REMAINS UNDER
22 INVESTIGATION OR IS OTHERWISE UNKNOWN.

23 (4) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
24 ANY PERSON MAY PETITION A DISTRICT COURT TO ALLOW THE PERSON
25 ACCESS TO AN AUTOPSY REPORT PREPARED IN CONNECTION WITH THE
26 DEATH OF A MINOR. THE DISTRICT COURT SHALL GRANT THE PETITIONER
27 ACCESS TO THE REPORT UPON A FINDING THAT:

1 (a) PUBLIC DISCLOSURE OF THE REPORT SUBSTANTIALLY
2 OUTWEIGHS ANY HARM TO THE PRIVACY INTERESTS OF THE DECEASED AND
3 THE MEMBERS OF THE FAMILY OF THE DECEASED; AND

4 (b) THE INFORMATION SOUGHT BY THE PETITIONER IS NOT
5 OTHERWISE PUBLICLY AVAILABLE.

6 **SECTION 2. Act subject to petition - effective date -**
7 **applicability.** (1) This act takes effect January 1, 2025; except that, if a
8 referendum petition is filed pursuant to section 1 (3) of article V of the
9 state constitution against this act or an item, section, or part of this act
10 within the ninety-day period after final adjournment of the general
11 assembly, then the act, item, section, or part will not take effect unless
12 approved by the people at the general election to be held in November
13 2024 and, in such case, will take effect January 1, 2025, or on the date of
14 the official declaration of the vote thereon by the governor, whichever is
15 later.

16 (2) This act applies to a request for an autopsy report or
17 information pertaining to the death of a minor submitted on or after the
18 applicable effective date of this act.