2018 Regular Session

HOUSE BILL NO. 458

BY REPRESENTATIVE JAMES

PUBLIC HEALTH/OFFICE: Requires state participation in the National Violent Death Reporting System

1	AN ACT
2	To amend and reenact R.S. 44:4.1(B)(26) and to enact R.S. 40.3.2, relative to state
3	participation in the National Violent Death Reporting System; to provide for duties
4	of coroners and law enforcement agencies in submitting reports of violent deaths to
5	the office of public health; to provide for a time delay in which reports will be
6	received; to provide for liability protection for entities submitting certain reports to
7	the office of public health; to provide for a public records exception; and to provide
8	for related matters.
9	Be it enacted by the Legislature of Louisiana:
10	Section 1. R.S. 40:3.2 is hereby enacted to read as follows:
11	§3.2. Investigation of violent deaths
12	A. The legislature finds that violence is a public health concern that
13	negatively impacts the health of Louisiana residents, the quality of life in Louisiana
14	communities, and Louisiana's economy. Accordingly, the office of public health is
15	hereby authorized to participate in and submit data to the National Violent Death
16	Reporting System, referred to hereafter in this section as the "NVDRS", operated
17	by the United States Centers for Disease Control and Prevention, referred to
18	hereafter in this Section as the "CDC".
19	B. Notwithstanding any other provision of law to the contrary, each coroner
20	in this state shall submit to the office of public health, within thirty days of request,

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	subject to reasonable extension, entire copies of all reports and records, including
2	any autopsy reports, toxicology reports, and investigative narratives, in their then-
3	existing level of completeness, prepared or compiled in connection with the death
4	of an individual who has suffered a violent death.
5	C. Notwithstanding any other provision of law to the contrary, each law
6	enforcement agency in this state shall submit to the office of public health, within
7	thirty days of request, subject to reasonable extension, entire copies of all
8	investigative reports, investigative narratives, and crime laboratory data, in their
9	then-existing level of completeness, prepared or compiled in connection with the
10	death of an individual who has suffered a violent death.
11	D. Notwithstanding any other provision of law to the contrary, each
12	department, agency, office, and political subdivision of the state, including each
13	parish or municipality, shall submit to the office of public health, within thirty days
14	of request, subject to reasonable extension, entire copies of any records in its
15	possession, in their then-existing level of completeness, related to the death of an
16	individual who has suffered a violent death.
17	E. Notwithstanding any other provision of law to the contrary, any individual
18	or entity not required by this Section to provide to the office of pubic health records
19	related to the death of an individual who has suffered a violent death may, at such
20	individual's or entity's discretion, provide such records.
21	F. Nothing in this Section shall be construed to require that crime scene
22	photos or any audio or video recordings be submitted to the office of public health.
23	G. Records required to be submitted to the office of public health by this
24	Section shall be unredacted, except that information concerning social security
25	numbers, names and identifying information of witnesses and the victim's family
26	members, and any information that the office of public health determines, in its sole
27	discretion, is not needed to fulfill the mission of the office of public health or
28	NVDRS, may be redacted.

1	H. All records and documents obtained by the office of public health under
2	the authority of this Section shall be considered confidential data as that term is
3	defined in R.S. 40:3.1, and shall accordingly be subject to the restrictions on use,
4	disclosure, discoverability, subpoena, or dissemination set forth therein, except that
5	the office of public health is expressly authorized to remit de-identified coded data
6	extracted from such records or documents to the CDC.
7	I. The furnishings of records or documents to the office of public health in
8	accordance with this Section by any person, agency, or entity acting in good faith
9	shall not expose such person, agency, or entity to liability and shall not be considered
10	a violation of any privileged or confidential relationship.
11	J. Nothing in this Section shall prohibit the publishing by the office of public
12	health of statistical compilations relating to violent deaths which do not identify
13	individual cases or individual physicians, hospitals, clinics, other healthcare
14	providers, individual law enforcement personnel, or law enforcement agencies.
15	K. As used in this Section, the term "violent death" means any death listed
16	or classified on a death certificate or coroner's autopsy report or investigative
17	narrative as a homicide, suicide, death of undetermined intent, death due to legal
18	intervention, unintentional firearm death, or death due to terrorism.
19	Section 2. R.S. 44:4.1(B)(26) is hereby amended and reenacted to read as follows:
20	§4.1. Exceptions
21	* * *
22	B. The legislature further recognizes that there exist exceptions, exemptions,
23	and limitations to the laws pertaining to public records throughout the revised
24	statutes and codes of this state. Therefore, the following exceptions, exemptions, and
25	limitations are hereby continued in effect by incorporation into this Chapter by
26	citation:
27	* * *
28	(26) R.S. 40:3.1, <u>3.2</u> , 31.14, 31.27, 39.1, 41, 73, 95, 96, 526, 528, 1007,
29	1061.21, 1079.18, 1081.10, 1105.6, 1105.8, 1133.8, 1171.4, 1203.4, 1231.4,

1	1379.1.1(D), 1379.3, 2009.8	3, 2009.	14, 201	0.5, 2017.9	, 2018,	2019,	2020,	2106,
2	2138, 2532, 2845.1.							
3		*	*	*				

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 458 Original	2018 Regular Session	James

Abstract: Requires coroners and law enforcement agencies to report violent deaths to the office of public health and authorizes state participation in the National Violent Death Reporting System.

<u>Proposed law</u> authorizes the office of public health to participate and submit data to the National Violent Death Reporting System (NVDRS).

<u>Proposed law</u> requires coroners and law enforcement agencies to report violent deaths to the office of public health.

<u>Proposed law</u> requires coroners and law enforcement agencies to report violent deaths to the office of public health within 30 days of incident.

<u>Proposed law</u> defines "violent death" as any death listed or classified on a death certificate or coroner's autopsy report or investigative narrative as a homicide, suicide, death of undetermined intent, death due to legal intervention, unintentional firearm death, or death due to terrorism.

Proposed law adds a public records exception for NVDRS.

(Amends R.S. 44:4.1(B)(26); Adds R.S. 40:3.2)