

HOUSE No. 3820

Text of a still further amendment (Mr. Speliotis of Danvers) to the Senate further amendments to the House amendments of the Senate Bill relative to the release of a body by the medical examiner to a person charged with an offense which resulted in the death of the deceased (Senate, No. 1099, changed and amended). December 19, 2013.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

By striking out all after the enacting clause (inserted by amendment by the Senate) and inserting in place thereof the following:

- 1 “SECTION 1. Section 2 of chapter 38 of the General Laws, as appearing in the 2012 Official
2 Edition, is hereby amended by adding the following paragraph:-
- 3 Nothing in this section shall be construed to prohibit the office of the chief medical examiner
4 from providing a copy of the autopsy report of a decedent to the decedent’s surviving spouse,
5 person in the first degree of consanguinity, or in the event there is no surviving spouse or person
6 in the first degree of consanguinity, to the person entitled to receive the body.
- 7 SECTION 2. Section 13 of said chapter 38, as so appearing, is hereby amended by striking out
8 the second sentence and inserting in place thereof the following 4 sentences:- No person
9 otherwise entitled to such right of release shall be entitled to such right and such right shall be
10 passed on to the next person in the order of priority named in this section if a named person is
11 charged with or convicted of a criminal offense which resulted in the death of the deceased;

12 provided, however, that if the charges against the person are dismissed, or if the person is
13 acquitted of the charges, the right of release shall be returned to that person, unless the dismissal
14 or acquittal occurs after the body has been released; and provided further, that any person
15 charged with a criminal offense which resulted in the death of the deceased may petition, within
16 24 hours of being charged, the probate and family court for the county where the death of the
17 decedent occurred to determine what the decedent would have wanted and to enter an order
18 regarding the decedent's remains or awarding the right of release to a person determined by the
19 court to be competent to carry out the disposition of the decedent. Such order shall enter within
20 2 business days of the filing of the petition. If the body is unidentified or unclaimed after the
21 investigation is completed, the medical examiner shall release it to the department of transitional
22 assistance, which shall bury it pursuant to section 9 of chapter 117A. Prior to the release of the
23 unidentified or unclaimed body to the department of transitional assistance, the chief medical
24 examiner or a designee shall certify to the city or town clerk in the municipality where the death
25 occurred the facts of the death as required by section 9 of chapter 46."