

1 ENGROSSED SENATE
2 BILL NO. 207

By: Bice of the Senate

3 and

4 Osborn (Leslie) of the
5 House

6
7 [Office of the Chief Medical Examiner - autopsy
8 reports - sealed - district attorneys - cremation -
9 limitation on fee - effective date]
10

11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

12 SECTION 1. AMENDATORY 63 O.S. 2011, Section 945, as
13 amended by Section 14, Chapter 293, O.S.L. 2014 (63 O.S. Supp. 2016,
14 Section 945), is amended to read as follows:

15 Section 945. A. When properly authorized, an autopsy shall be
16 performed by the Chief Medical Examiner or such person as may be
17 designated by him or her for such purpose. The Chief Medical
18 Examiner or a person designated by him or her may authorize arterial
19 embalming of the body prior to the autopsy when such embalming would
20 in his or her opinion not interfere with the autopsy. The extent of
21 the autopsy shall be made as is deemed necessary by the person
22 performing the autopsy.

23 B. A full and complete report of the facts developed by the
24 autopsy together with the findings of the person making it shall be

1 prepared and filed in the Office of the Chief Medical Examiner
2 without unnecessary delay. Copies of such reports and findings
3 shall be furnished to district attorneys and law enforcement
4 officers making a criminal investigation in connection with the
5 death.

6 C. Copies of the full and complete report of the facts
7 developed by the autopsy together with the findings of the person
8 making the report shall be released by the Office of the Chief
9 Medical Examiner to the public in the most expedient manner
10 available or as requested by the records requester, and under the
11 following conditions, shall be furnished to:

12 1. Prosecutors and any law enforcement agency with authority to
13 make a criminal investigation in connection with the death;
14 provided, such copies shall not be shared with any other entity;

15 2. Any person with a demonstrable family relation to the
16 deceased, unless the prosecutor or law enforcement agency making a
17 criminal investigation objects to the release of documents to any
18 family member. Prosecutors and law enforcement agencies shall be
19 prohibited from objecting to the release of the full and complete
20 autopsy report to the family if the decedent was in state custody,
21 in custody of law enforcement, or is deceased due to lethal action
22 of a law enforcement officer;

23 3. Any insurance company with a contractual relationship with
24 the decedent or the family of the decedent in order to facilitate an

1 insurer's investigation of an insurance claim, or to verify and
2 process insurance claims or insurance benefits in an efficient
3 manner; and

4 4. The full and complete report of the facts developed by the
5 autopsy together with the findings of the person making the report
6 shall be withheld from public inspection and copying for ten (10)
7 business days following the date the report is generated by the
8 Office of the Chief Medical Examiner, except as provided for in this
9 subsection.

10 D. The Office of the Chief Medical Examiner shall produce a
11 summary report of investigation by the medical examiner at the same
12 time the full and complete report of the facts developed by the
13 autopsy together with the findings of the person making the report
14 is released to the persons in subsection C of this section. The
15 summary report of investigation shall be made available for public
16 inspection and copying and any person can obtain a copy of the
17 summary report of investigation in the most expedient manner
18 available or as requested by the records requester.

19 E. The summary report of investigation shall include, but not
20 be limited to:

21 1. Decedent name, age, birth date, race, sex, home address,
22 examiner notified by name and title and including date and time,
23 location where decedent was injured or became ill, including name of
24 facility, address, city, county, type of premises, date and time;

1 location of death including name of facility, city, county, type of
2 premises, date and time, and location body was viewed by medical
3 examiner including address, city, county, type of premises and date
4 and time;

5 2. If the death was a motor vehicle accident, whether the
6 decedent was the driver, passenger or pedestrian, and the type of
7 vehicle involved in the accident;

8 3. A description of the body, including but not limited to the
9 external physical examination, rigor, livor, external observations
10 including hair, eye color, body length and weight, and other
11 external observations, as well as the presence and location of
12 blood; and

13 4. The probable cause of death, other significant conditions
14 contributing to the death but not resulting in the underlying cause
15 given, manner of death, case disposition, case number, and name and
16 contact information of the medical examiner performing the autopsy,
17 including a signature and certification statement that the facts
18 contained in the report are true and correct to the best of their
19 knowledge and the date the report was signed and generated.

20 F. At the conclusion of the ten-day period, the full and
21 complete report shall be made available as a public record except
22 when a prosecutor or law enforcement agency declares that the full
23 and complete report contains information that would materially
24 compromise an ongoing criminal investigation.

1 1. Upon such declaration, the prosecutor or law enforcement
2 agency may request from the appropriate district court an extension
3 of time during which the full and complete autopsy report, not
4 including information in the summary report, may be withheld.

5 2. When a request for an extension of time has been filed with
6 the court, the full and complete autopsy report in question may be
7 withheld until the court has issued a ruling on the requested
8 extension of time to release the autopsy report. Such requests for
9 an extension of time during which the autopsy may be withheld shall
10 be made on the grounds that release of the full and complete autopsy
11 report will materially compromise an ongoing criminal investigation.

12 3. Courts considering such requests shall conduct a hearing and
13 consider whether the interests of the public outweigh the interests
14 asserted by the prosecutor or law enforcement agency. In response
15 to such requests, the court may order that the autopsy report be
16 made available for public inspection and copying with redaction of
17 the portions that would compromise the criminal investigation.

18 4. If an extension of time is granted by the court, each
19 subsequent extension shall only be ordered by the court for an
20 additional one year and cumulative time extensions shall not exceed
21 more than four (4) years; provided, under no circumstance shall an
22 extension of time be granted by the court if the deceased person was
23 in state custody, in custody of law enforcement or was deceased due
24 to lethal action of a law enforcement officer.

1 G. In the event that one year has expired from the date of the
2 initial release of the autopsy report without any person being
3 criminally charged in the case in question and release of the
4 autopsy or portions of the autopsy have been denied on the grounds
5 of materially compromising a criminal investigation, an appeal of
6 such denial may be made to the appropriate district court.

7 H. In the event one year has expired since the date of the
8 initial release of the autopsy report, criminal charges have not
9 been filed against a person and the autopsy report is being
10 withheld, courts considering appeals to the use of the provisions of
11 this division for temporarily withholding an autopsy report shall
12 conduct a hearing and consider whether the interests of the public
13 outweigh the interests asserted by the prosecutor or law enforcement
14 agency. In response to such appeals, the district court shall order
15 that the autopsy report be made available for public inspection and
16 copying with no redaction, or shall order an extension of time
17 during which the autopsy report may be withheld under the provisions
18 of this section.

19 I. An order granting an extension of time shall be applicable
20 to the autopsy report for the duration of the extension; provided,
21 each subsequent time extension shall only be ordered by the district
22 court for an additional twelve-month period of time or less and
23 cumulative time extensions shall not exceed four (4) years;
24 provided, charges being filed against a person in the case in

1 question, or an autopsy report being entered into evidence as part
2 of a criminal prosecution nullifies any granted extension of time.

3 J. The opportunities to withhold an autopsy report or portions
4 of an autopsy report provided in this section shall expire in
5 totality four (4) years after the date the autopsy report was
6 generated, at which time the autopsy report previously withheld on
7 the grounds provided for in this section shall be made available for
8 public inspection and copying.

9 K. Nothing in this section shall prohibit prosecutors or law
10 enforcement agencies from immediately releasing portions of
11 information contained in the full and complete autopsy report for
12 the purposes of assisting with the criminal investigation or
13 apprehension of any person involved in a criminal act that resulted
14 in the death of another person.

15 L. Nothing in this section shall prohibit a person with a
16 demonstrable family relation to the deceased who has received a copy
17 of the full and complete autopsy report from the Office of the Chief
18 Medical Examiner from authorizing the Office of the Chief Medical
19 Examiner's office to release the full and complete autopsy report to
20 any other person.

21 SECTION 2. AMENDATORY 63 O.S. 2011, Section 1-329.1, is
22 amended to read as follows:

23 Section 1-329.1. Until a permit for disposal has been issued in
24 accordance with this section, no dead human body whose death

1 occurred within the State of Oklahoma shall be cremated, buried at
2 sea, or made unavailable for further pathologic study by other
3 recognized means of destruction or dissolution of such remains.

4 When the person legally responsible for disposition of a dead
5 human body, whose death occurred or was pronounced within this
6 state, desires that the body be cremated, buried at sea, or made
7 unavailable for further pathologic study by other recognized means
8 of destruction or dissolution of such remains, that person shall
9 complete an application-permit form for such procedure provided by
10 the Office of the Chief Medical Examiner. The Office of the Chief
11 Medical Examiner, in accordance with Section 948.1 of this title,
12 shall charge a fee ~~of One Hundred Dollars (\$100.00)~~ for each
13 cremation permit issued. The Medical Examiner shall be notified, as
14 required in Section 938 of this title. ~~He~~ The Medical Examiner
15 shall perform the required investigation and shall issue a valid
16 death certificate as required by Section 947 of this title and
17 execute the permit in accordance with rules established by the
18 Office of the Chief Medical Examiner. In order to be valid, each
19 permit must contain an individual number assigned to the particular
20 permit by the Office of the Chief Medical Examiner. A copy of the
21 application-permit form and the original death certificate shall be
22 filed with the State Registrar. The original application-permit
23 form shall be filed by the funeral director with the Office of the

24

1 Chief Medical Examiner. Such filing shall occur or be postmarked
2 within forty-eight (48) hours of the death.

3 If death occurred or was pronounced outside the geographic
4 limits of the State of Oklahoma and the body is brought into this
5 state for such disposal, a transit permit or a permit for removal,
6 issued in accordance with the laws and regulations in force where
7 the death occurred shall authorize the transportation of the body
8 into or through this state and shall be accepted in lieu of a
9 certificate of death as required above. A valid permit issued for
10 disposal of such body in accordance with the laws in the
11 jurisdiction where the body died or death was pronounced shall be
12 authority for cremation or burial at sea or to make the body
13 otherwise unavailable for further pathologic study by other
14 recognized means of destruction or dissolution of such remains.

15 SECTION 3. This act shall become effective November 1, 2017.

16
17
18
19
20
21
22
23
24

1 Passed the Senate the 22nd day of March, 2017.

2
3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2017.

7
8 _____
9 Presiding Officer of the House
10 of Representatives