

HOUSE BILL NO. HB0042

Coroner record confidentiality.

Sponsored by: Representative(s) Gingery and Senator(s)
Case

A BILL

for

1 AN ACT relating to coroners; providing confidentiality for
2 toxicology reports, photographs, video recordings or audio
3 recordings of the scene of the death or made in the course
4 of a postmortem examination or autopsy by a coroner;
5 providing exceptions; providing penalties; and providing
6 for an effective date.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.** W.S. 7-4-105 is created to read:

11

12 **7-4-105. Confidentiality of reports, photos and**
13 **recordings; exceptions; penalties.**

14

15 (a) After viewing the body and completing his
16 investigation, the coroner shall draw up and sign his

1 verdict on the death under consideration. The coroner
2 shall also make a written docket giving an accurate
3 description of the deceased person, his name if it can be
4 determined, cause and manner of death, age of decedent,
5 date and time of death and the description of money and
6 other property found with the body. The verdict and
7 written docket are public records and may be viewed or
8 obtained by request to the coroner, pursuant to W.S.
9 16-4-202.

10

11 (b) Except as provided in subsections (c), (d), (e),
12 (g) and (o) of this section a toxicology report, a
13 photograph, video recording or audio recording made at the
14 scene of the death or made in the course of a postmortem
15 examination or autopsy made or caused by a coroner shall be
16 confidential and are not public records.

17

18 (c) A surviving spouse, surviving parent, an adult
19 child or a legal guardian may:

20

21 (i) View and copy a toxicology report, a
22 photograph or video recording made at the scene of the
23 death or made in the course of a postmortem examination or
24 autopsy made by or caused by a coroner; and

1

2 (ii) Listen to and copy an audio recording made
3 at the scene of the death or made in the course of a
4 postmortem examination or autopsy made by or caused by a
5 coroner.

6

7 (d) Upon making a written request, a law enforcement
8 entity of the state of Wyoming or United States government,
9 a district attorney, the United States attorney for the
10 district of Wyoming, a county, state or federal public
11 health agency, a board licensing health care professionals
12 under title 33 of the Wyoming statutes, the division
13 responsible for administering the Wyoming Workers'
14 Compensation Act, the division responsible for
15 administering the Wyoming Occupational Health and Safety
16 Act, insurance companies with legitimate interest in the
17 death, all parties in civil litigation proceedings with
18 legitimate interest in the death or a treating physician,
19 while in performance of his official duty may:

20

21 (i) View and copy a toxicology report,
22 photograph or video recording made at the scene of the
23 death or made in the course of a postmortem examination or
24 autopsy made by or caused by a coroner; and

1

2 (ii) Listen to and copy an audio recording made
3 at the scene of the death or made in the course of a
4 postmortem examination or autopsy made by or caused by a
5 coroner.

6

7 (e) Unless otherwise required in the performance of
8 official duties, the identity of the deceased shall remain
9 confidential in any record obtained under subsection (d) of
10 this section. The records obtained under subsection (d) of
11 this section may be used in a criminal action or civil
12 proceeding, or proceeding before a state of Wyoming board
13 issuing health care professional licenses under title 33 of
14 the Wyoming statutes, which relates to the death of that
15 person.

16

17 (f) The coroner having custody of a toxicology
18 report, a photograph, a video recording or an audio
19 recording made at any scene of the death or made in the
20 course of a postmortem examination or autopsy may allow the
21 use for case consultation with an appropriate expert. The
22 coroner may also allow the use of a toxicology report, a
23 photograph, a video recording or an audio recording made at
24 the scene of the death or made in the course of a

1 postmortem examination or autopsy by legitimate scientific
2 research organizations or for training purposes provided
3 the identity of the decedent is not published or otherwise
4 made public.

5

6 (g) A court upon showing of good cause, may issue an
7 order authorizing a person to:

8

9 (i) View or copy a toxicology report, photograph
10 or video recording made at the scene of the death or made
11 in the course of a postmortem examination or autopsy made
12 or caused by a coroner; and

13

14 (ii) Listen to and copy an audio recording made
15 at the scene of the death or made in the course of a
16 postmortem examination or autopsy made or caused by a
17 coroner.

18

19 (h) In determining good cause under subsection (g) of
20 this section, the court shall consider:

21

22 (i) Whether the disclosure is necessary for the
23 public evaluation of governmental performance;

24

1 (ii) The seriousness of the intrusion into the
2 family's privacy;

3

4 (iii) Whether the disclosure of the toxicology
5 report, photograph, video recording or audio recording is
6 by the least intrusive means available; and

7

8 (iv) The availability of similar information in
9 other public records regardless of form.

10

11 (j) A surviving spouse shall be given reasonable
12 notice and a copy of any petition filed with the court
13 under subsection (g) of this section and reasonable
14 opportunity to be present and be heard on the matter. If
15 there is no surviving spouse, the notice of the petition
16 being filed and the opportunity to be heard shall be given
17 to the deceased's parents and if the deceased has no living
18 parent, the notice of the petition being filed and the
19 opportunity to be heard shall be given to the adult
20 children of the deceased or legal guardian of the children
21 of the deceased.

22

23 (k) A coroner or coroner's designee that knowingly
24 violates this section shall be guilty of a misdemeanor

1 punishable by imprisonment for not more than six (6)
2 months, a fine of not more than one thousand dollars
3 (\$1,000.00), or both.

4

5 (m) A person who knowingly or purposefully uses the
6 information in a manner other than the specified purpose
7 for which it was released or violates a court order issued
8 under subsection (g) of this section is guilty of a
9 misdemeanor punishable by imprisonment for not more than
10 six (6) months, a fine of not more than one thousand
11 dollars (\$1,000.00), or both.

12

13 (n) In all cases, the viewing, copying, listening to,
14 or other handling of a toxicology report, photograph, video
15 recording, or audio recording made at a scene of the death
16 or made in the course of a postmortem examination or
17 autopsy made or caused by a coroner shall be under the
18 direct supervision of the coroner, or the coroner's
19 designee, who is the custodian of the record.

20

21 (o) In the event that the coroner, or the coroner's
22 designee, determines that a person's death was caused by an
23 infectious disease, biological toxin or any other cause
24 which may constitute a public health emergency as defined

1 in W.S. 35-4-115(a)(i), the coroner shall release to the
2 state health officer or his designee all information and
3 records required under W.S. 35-4-107. If the state health
4 official or his designee determines upon an examination of
5 the results of the autopsy and the toxicology report that a
6 public health emergency may in fact exist, he shall release
7 the appropriate information to the general public as
8 provided by department of health rules and regulations.

9

10 **Section 2.** W.S. 16-4-203(d)(i) is amended to read:

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12 **16-4-203. Right of inspection; grounds for denial;**
13 **access of news media; order permitting or restricting**
14 **disclosure; exceptions.**

15

16 (d) The custodian shall deny the right of inspection
17 of the following records, unless otherwise provided by law:

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19 (i) Medical, psychological and sociological data
20 on individual persons, exclusive of coroners' ~~autopsy~~
21 ~~reports~~ verdicts and written docket as provided in W.S.
22 7-4-105(a);

23

1 **Section 3.** This act is effective July 1, 2011.

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(END)