

February 24, 2003

H 65. AUTOPSY PHOTOS NOT PUBLIC RECORD. TO PROVIDE THAT PHOTOGRAPHS AND VIDEO OR AUDIO RECORDINGS MADE PURSUANT TO AN AUTOPSY ARE NOT A PUBLIC RECORD. Adds new GS 132-1.5A as title indicates. Makes it a Class H felony for person to supply photograph or video or audio recording in violation of act or for person to willfully and knowingly violate a court order issued pursuant to act. Provides that chief medical examiner, authorizing medical examiner, district attorney, superior court judge, individual entitled to bring a wrongful death action on behalf of the deceased, surviving spouse (or parent or adult child in that order), person authorized by court, guardian or custodian of minor child of deceased, and law enforcement officials investigating the death, local government entity or federal agency as part of official duties, have right of access to photographs or video recordings made pursuant to autopsy. Allows person denied access to apply for court order allowing access, and court may issue order on showing of good cause. Requires notice of petition to be provided to surviving spouse (or parent, adult child, guardian or custodian of minor child in that order). Limitation does not apply to criminal or administrative proceeding except that court or administrative proceeding may limit disclosure. Makes conforming amendment to GS 130A-389 (autopsies). Applies to all photographs or video or audio recordings of an autopsy whether autopsy was performed before or after effective date of act.

Intro. by Ray.

Ref. to Judiciary II

GS 130A,132

March 26, 2003

H 65. AUTOPSY PHOTOS NOT PUBLIC RECORD. Intro. 2/24/03. House committee substitute makes the following changes to 1st edition. Adds new GS 132-1.8 providing that, except as otherwise provided in new GS 130A-189.1, a photograph, video, or audio recording of an official autopsy is not a public record but that the text of an official autopsy report is a public record. Amends GS 130A-389 to delete requirement that copy of autopsy report be furnished to the authorizing medical examiner, district attorney, or superior court judge. Replaces proposed new GS 132-1.5A (summarized in original digest) with new GS 130A-389.1 governing photos, videos, and audio recordings made pursuant to official autopsy (hereafter "autopsy photos"). Allows any person to examine autopsy photos at reasonable times under supervision of custodian of autopsy photos. Except as otherwise provided, prohibits custodian from furnishing copies of autopsy photos to public. Authorizes the following public officials to obtain copies of autopsy photos for official use only and prohibits them from disclosing autopsy photos to public: chief medical examiner or pathologist designated by chief medical examiner; investigating medical examiner; district attorney; superior court judge; law enforcement officials conducting investigation related to the death. Allows personal representative of decedent's estate and other specified persons to obtain copies of autopsy photos but prohibits public disclosure except as otherwise provided by law. Allows person who is denied access to copies of autopsy photos to file special proceeding and authorizes clerk of superior court, for good cause shown, to order disclosure of autopsy photo to petitioner. Specifies procedures to be followed in these special proceedings. Makes violation of section a Class I felony (or a Class H felony if person who is not authorized to obtain copy of autopsy photo removes or copies autopsy photo with intent to steal). Effective July 1, 2003; applies to offenses committed on or after effective date (regardless of whether autopsy was performed before or after effective date).