

2001 ASSEMBLY BILL 604

October 29, 2001 - Introduced by Representatives JOHNSRUD, PETTIS, SUDER, LOEFFELHOLZ, HUEBSCH, LADWIG, OTT, ALBERS, MUSSER, BIES, GUNDERSON, FREESE, SYKORA, STONE, WILLIAMS, VRAKAS, PETROWSKI, UNDERHEIM, KREIBICH and SHILLING, cosponsored by Senator DARLING. Referred to Committee on Personal Privacy.

1 **AN ACT** *to create* 979.028 of the statutes; **relating to:** confidentiality of autopsy
2 reports.

Analysis by the Legislative Reference Bureau

Under current law, the public generally has a right to inspect or copy public records unless otherwise provided by law or unless the custodian of the record demonstrates that the public interest in withholding access to a record outweighs the strong public interest in providing access. Public records include any writing, drawing, or printed, spoken, visual, or electromagnetic information that is recorded or preserved, and that is maintained by a government entity or government official. Autopsy reports, including pictures taken during autopsies, are public records, if maintained by a government official or entity, including a coroner, medical examiner, or district attorney. Autopsy records are therefore open to public inspection unless a current law exception applies to the records (for example, district attorney records are generally confidential) or unless the custodian determines that the public interest in withholding an autopsy report outweighs the public interest in providing access.

This bill creates an exception to the public right to inspect or copy public records specifically for autopsy reports. The bill also prohibits the custodian of an autopsy record or any person involved in conducting an autopsy from releasing to the public any information learned during an autopsy concerning the deceased or the cause of

