

2001 DRAFTING REQUEST

Bill

Received: 08/29/2001

Received By: rryan

Wanted: As time permits

Identical to LRB:

For: DuWayne Johnsrud (608) 266-3534

By/Representing: Larry Konopacki

This file may be shown to any legislator: NO

Drafter: rryan

May Contact:

Addl. Drafters:

Subject: Public Record

Extra Copies: MGD
RPN

Submit via email: NO

Pre Topic:

No specific pre topic given

Topic:

Confidentiality of autopsy reports

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	rryan 09/04/2001	gilfokm 09/04/2001	jfrantze 09/05/2001	_____	lrb_docadmin 09/05/2001	lrb_docadmin 09/05/2001	
/2	rryan 10/25/2001	gilfokm 10/25/2001	rschluet 10/25/2001	_____	lrb_docadmin 10/25/2001	lrb_docadmin 10/25/2001	

FE Sent For:

<END>

Not Needed

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12-10/25
King

10-25-1
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1/?	rryan	11-9/4 KMG	8/5	Self 9/5			

FE Sent For:

<END>

B I L L
REQUEST FORM

LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street

Use of this form is optional. It is often better to talk directly with the LRB attorney who will draft the bill.

Use this form only for **BILL** drafts. Attach more pages if necessary.

Legislator, agency or other body requesting this draft: Rep. Johnson

Date: 8/29/01 Person submitting request (name, phone number): Larry Konopacki 6-3534

Persons to contact for questions about this draft (names, phone numbers): Larry Konopacki 6-3534

Describe the problem, including any helpful examples.

How do you want to solve the problem?

- Please contact ~~us~~ us to let us know who will be drafting this bill
Thanks!

- Please draft legislation to protect autopsy photos and descriptive details other than those necessary to complete the cause and manner of death on death certificate from access by persons not authorized by the next-of-kin of the deceased.

Please attach a copy of any correspondence or other material that may help us.

If you know of any statute sections that might be affected, list them or provide a marked-up (not re-typed) copy. _____

You may attach a marked-up (not retyped) copy of any LRB draft, or provide its number (e.g., 1997 LRB-2345/1 or 1995 AB-67): _____

Requests are confidential unless stated otherwise.

- May we tell others that we are working on this for you? Yes No
- If yes: Anyone who asks? Yes No Any legislator? Yes No Only the following persons: _____

Do you consider this request urgent? Yes No If yes, please indicate why: _____

Should we give this request priority over any other pending request of this legislator, agency or body? If yes, sign your name here: _____

Yes No



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-3686/1

RLR:.....

kmg

In 9/4/01

2001 BILL

1

AN ACT *Gen. Conf.*; relating to: confidentiality of autopsy 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 the information contained in a record outweighs the 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, and 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 his or her death without permission from the deceased's next of kin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Barman, Mike

From: Barman, Mike
Sent: Wednesday, September 05, 2001 12:37 PM
To: Rep.Johnsrud
Subject: LRB-3686/1 (attached)



01-3686/1

Mike Barman

Mike Barman - Senior Program Asst. (PH. 608-266-3561)
(E-Mail: mike.barman@legis.state.wi.us) (FAX: 608-264-6948)

State of Wisconsin
Legislative Reference Bureau - Legal Section - Front Office
100 N. Hamilton Street - 5th Floor
Madison, WI 53703



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

September 5, 2001

MEMORANDUM

To: Representative Johnsrud

From: Robin L. Ryan, Legislative Attorney

Re: LRB-3686/1 Confidentiality of autopsy reports

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

- could I please get an electronic copy of the LRB Analysis too? thanks!

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 261-6927 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.

*Done
(e-mail)
AMB*

In 10/25/01

RMR

2001 BILL

SOON

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

strong
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 ~~the information contained in~~ a record outweighs the 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, and prohibits the custodian of an autopsy record or any person involved in conducting an autopsy from releasing to the public any

The bill also

BILL

except information necessary to complete the medical certification on a certificate of death

information learned during an autopsy concerning the deceased or the cause of his or her death without permission from the deceased's next of kin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

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SECTION 1. 979.028 of the statutes is created to read:

979.028 Confidentiality of autopsy records. Autopsy records, including photographs or other pictorial images of a deceased person that are taken during an autopsy, are confidential and are not subject to the right of inspection or copying under s. 19.35 (1). ~~The~~ custodian of an autopsy record or a person involved in conducting an autopsy may not release to the public any information learned as a result of an autopsy concerning the deceased or the cause of his or her death without permission from the deceased's next of kin.

(END)

Except as required to complete a medical certification of death under s. 69.18(2), the