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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2003-04

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on Government Operations and Spending Limitations...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

Assembly

Record of Committee Proceedings

Committee on Government Operations and Spending Limitations

Assembly Bill 448

Relating to: confidentiality of autopsy records.

By Representatives Johnsrud, Freese, Owens, Ziegelbauer, Gunderson, Musser, Petrowski, Albers, Ainsworth, Kestell, J. Wood, Loeffelholz, Bies, Ladwig, Hahn, Krawczyk, Seratti, Ott, Plouff and Gard; cosponsored by Senators Kanavas, Schultz and Roessler.

July 25, 2003 Referred to Committee on Government Operations and Spending Limitations.

November 19, 2003 **PUBLIC HEARING HELD**

Present: (6) Representatives F. Lasee, Loeffelholz, Musser, Weber, Zepnick and Wasserman.

Absent: (0) None.

Appearances For

- Rep. DuWayne Johnsrud, 96th Assembly District
- John Stanley, Wisconsin Coroners and Medical Examiners Assoc.

Appearances Against

- Sandra George, Wisconsin Newspaper Association

Appearances for Information Only

- Patti Bustle, Milwaukee County
Kathryn Kuhn, Medical College of Wisconsin

Registrations For

Senator Ted Kanavas, 33rd Senate District
Sen. Dale Schultz, 17th Senate District

Registrations Against

John Laabs, Wisconsin Broadcasters Association

February 11, 2004 **EXECUTIVE SESSION HELD**

Present: (6) Representatives F. Lasee, Loeffelholz, Musser, Weber,
Zepnick and Wasserman.
Absent: (0) None.

Moved by Representative Musser, seconded by Representative Zepnick
that **Assembly Amendment 2** be recommended for introduction and
adoption.

Ayes: (5) Representatives F. Lasee, Loeffelholz, Musser,
Zepnick and Wasserman.
Noes: (1) Representative Weber.

INTRODUCTION AND ADOPTION OF ASSEMBLY AMENDMENT 2
RECOMMENDED, Ayes 5, Noes 1

Moved by Representative Musser, seconded by Representative Loeffelholz
that **Assembly Amendment 3** be recommended for introduction and
adoption.

Ayes: (6) Representatives F. Lasee, Loeffelholz, Musser,
Weber, Zepnick and Wasserman.
Noes: (0) None.

INTRODUCTION AND ADOPTION OF ASSEMBLY AMENDMENT 3
RECOMMENDED, Ayes 6, Noes 0

Moved by Representative Musser, seconded by Representative Loeffelholz
that **Assembly Bill 448** be recommended for passage as amended.

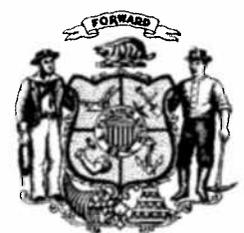
Ayes: (4) Representatives F. Lasee, Loeffelholz, Musser and
Wasserman.
Noes: (2) Representatives Weber and Zepnick.

PASSAGE AS AMENDED RECOMMENDED, Ayes 4, Noes 2

Lance Burri
Committee Clerk



WISCONSIN STATE LEGISLATURE





To: Assembly Committee on Government Operations and Spending

From: Kathryn A. Kuhn, Medical College of Wisconsin
Patti Bustle, Milwaukee County Intergovernmental Relations

Date: November 19, 2003

Subject: Amendment to Assembly Bill 448 – Confidentiality of Autopsy Records

The Milwaukee County Medical Examiner's (ME) Office and the Medical College of Wisconsin (MCW) appreciate the opportunity to comment on Assembly Bill 448 (AB 448). While we both concur with the spirit and intent of AB 448, we respectfully request that AB 448 be amended to allow for the release of autopsy photographs or other pictorial images for use in educational ~~activities conducted~~ by a coroner or medical examiner. This language can be found in 2001 Assembly Substitute Amendment 2 to Assembly Bill 621, Section 979.028 (2).

As a faculty member of the Medical College of Wisconsin, the Milwaukee County Medical Examiner works closely with the College, its students and the National Injury Research Center located at MCW. Without the ability to use autopsy photographs for legitimate educational purposes, the ME's Office would have to stop teaching medical students, paramedics, police officers and trainees, attorneys (both prosecutors and defense counsel), coroners and other professionals in need of death investigation training. For example, autopsy photographs are used to educate paramedics and police officers to recognize certain trauma. Paramedics and police officers are also trained to not disturb a crime scene so that crucial evidence is not destroyed.

In addition, training in autopsies is critical to a medical student's studies. While medical students observe autopsies, they also review case studies, which include the autopsy record and photos. The use of case studies is a major part of a medical student's education. Community physicians and public health personnel are also educated in public health issues. For example, public health personnel are trained to recognize the death of an individual due to a heat-related death. The public health implications of a lack of meaningful training experiences are dire.

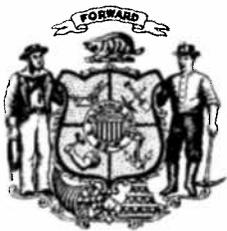
Without the amendment, the Medical Examiner's Office would have to discontinue collaboration with the Centers for Disease Control (CDC) funded Injury Research Center at MCW. This research is critical to identifying and evaluating accidental and intentional injury risk factors and prevention measures.

As professionals, the ME's Office always protects the identity of subjects in photographs and written materials used for teaching. This includes not only name, case number and face shots, but also any other identifying features such as tattoos, unusual physical characteristics, and circumstantial information that could reveal the identify of the decedent. Protection of the identity serves to maintain the privacy rights of the individual while serving the public good in promoting public health and safety through education and training.

Thank you for considering our comments. If you have additional comments, please contact Patti Bustle at 414-278-4169 or Kathryn Kuhn at 414-456-8544.



WISCONSIN STATE LEGISLATURE





**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2003 Assembly Bill 448

Assembly Amendments 2 and 3

Memo published: February 12, 2004

Contact: Dan Schmidt, Analyst (267-7251)

Current law generally permits the inspection of public records, including autopsy records and photographs or other pictorial images, subject to the common law “balancing test” weighing the public interest in disclosure of a record against the public harm in releasing such a record.

2003 Assembly Bill 448 permits the inspection or copying of information contained in an autopsy report, subject to the “balancing test,” except autopsy photographs and pictorial images. A photograph or other pictorial image taken during an autopsy may be disclosed, subject to the “balancing test,” but members of the public may not copy such photographs unless the deceased’s spouse or next-of-kin consent to the copying or unless a court orders the custodian to allow copying.

Assembly Amendment 2 establishes a 25-year limit on the prohibition on the copying of autopsy photographs. Thus, subject to the balancing test, a person may copy autopsy photographs or other pictorial images after 25 years immediately following the autopsy have expired.

Assembly Amendment 3 establishes an exemption to the bill’s prohibition on the copying of autopsy photographs or other pictorial images under certain circumstances. These exemptions include photographs for use in medical, health, or forensic education activities conducted under the auspices of a coroner, physician, or medical examiner or to persons conducting health care peer reviews or health care quality assurances.

Assembly Amendments 2 and 3 were adopted by the Assembly Committee on Government Operations and Spending Limitations by a vote of Ayes, 5, Noes, 1; and 2003 Assembly Bill 448 was recommended for passage by a vote of Ayes, 4, Noes, 2; on February 11, 2004.

DWS:ksm