February 16, 2007

HOUSE BILL No. 1521

DIGEST OF HB 1521 (Updated February 14, 2007 5:03 pm - DI 69)

Citations Affected: IC 9-26; IC 36-2; noncode.

Synopsis: Motor vehicle accident scenes and coroners. Requires the driver of a vehicle involved in an accident that results in injury to or the entrapment of a person in a vehicle to: (1) stop the vehicle at the scene of the accident; and (2) render assistance to each person injured or entrapped in the accident. Provides that if the driver of a vehicle involved in an accident is physically incapable of making an immediate report of the accident to the appropriate law enforcement agency, another occupant in the vehicle capable of making the report must: (1) immediately report the accident to the appropriate law enforcement agency; and (2) render reasonable assistance to each person injured or entrapped in the accident. Provides that a driver or occupant who knowingly, intentionally, or recklessly violates any of these provisions commits a Class C misdemeanor. Requires a coroner to file a certificate of death with a county health department within 72 hours after the completion of a death investigation. Removes a provision allowing a coroner to employ the services of the medical examiner system. Makes knowingly or intentionally failing to notify a coroner or law enforcement agency of the discovery of a body of a person who died from violence or in an apparently suspicious, unusual, or unnatural manner a Class A misdemeanor. (Under current law it is a Class B infraction.) Makes it a Class D felony for a person, with intent to hinder a criminal investigation and without the permission of a coroner or a law enforcement officer, to knowingly or intentionally alter the scene of death of a person who has died from violence or in an apparently

(Continued next page)

Effective: July 1, 2007.

Moses, Ripley, Kersey, Neese

January 23, 2007, read first time and referred to Committee on Courts and Criminal Code.
February 15, 2007, amended, reported — Do Pass.

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Digest Continued

suspicious, unusual, or unnatural manner. (Current law provides that it is a Class D felony if a person moves or transports the body.) Defines "autopsy" for purposes of the law requiring a coroner who performs an autopsy to bill the county in which the incident causing the death of the autopsy subject occurred. Requires a coroner to follow the Uniform Anatomical Gift Act concerning organ and tissue procurement. Repeals provisions: (1) authorizing a coroner to issue a warrant for the arrest of an individual whom the coroner is charging with a felony; and (2) requiring a coroner or a coroner's representative to attend meetings of the commission on forensic sciences when invited.

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February 16, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

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HOUSE BILL No. 1521

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles and local government.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 9-26-1-1, AS AMENDED BY P.L.210-2005, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. The driver of a vehicle involved in an accident that results in the injury or death of a person **or the entrapment of a person in a vehicle** shall do the following:

(1) Immediately stop the **driver's** vehicle at the scene of the accident or as close to the accident as possible in a manner that does not obstruct traffic more than is necessary.

(2) Immediately return to and remain at the scene of the accident until the driver does the following:

(A) Gives the driver's name and address and the registration number of the vehicle the driver was driving.

(B) Upon request, exhibits the driver's license of the driver to the following:

(i) The person struck.

(ii) The driver or occupant of or person attending each vehicle involved in the accident.

(C) Determines the need for and renders reasonable assistance to each person injured **or entrapped** in the accident, including the removal or the making of arrangements for the removal of each:

(i) injured person to a physician or hospital for medical treatment; **and**

(ii) entrapped person.

(3) Immediately give notice of the accident by the quickest means of communication to one (1) of the following:

(A) The local police department if the accident occurs within a municipality.

(B) The office of the county sheriff or the nearest state police post if the accident occurs outside a municipality.

(4) Within ten (10) days after the accident, forward a written report of the accident to the:

(A) state police department, if the accident occurs before January 1, 2006; or

(B) bureau, if the accident occurs after December 31, 2005.

SECTION 2. IC 9-26-1-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 1.5. (a) If the driver of a vehicle is physically incapable of giving immediate notice of an accident as required by section 1(3) of this chapter and there is another occupant in the vehicle at the time of the accident capable of giving the notice, the occupant shall do the following:**

(1) Immediately give notice of the accident by the quickest means of communication to one (1) of the following:

(A) The local police department if the accident occurs within a municipality.

(B) The office of the county sheriff or the nearest state police post if the accident occurs outside a municipality.

(2) Determine the need for and render reasonable assistance to each person injured or entrapped in the accident, including the removal or the making of arrangements for the removal of each:

(A) injured person to a physician or hospital for medical treatment; and

(B) entrapped person.

(b) If there is more than one (1) occupant in a vehicle described in subsection (a), it is a defense to a prosecution under this section that the accused occupant reasonably believed another occupant in the vehicle gave the notice and assistance not given by the driver.

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SECTION 3. IC 9-26-1-2, AS AMENDED BY P.L.210-2005, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. The driver of a vehicle involved in an accident that does not result in injury or death of a person **or the entrapment of a person in a vehicle** but that does result in damage to a vehicle that is driven or attended by a person shall do the following:

(1) Immediately stop the vehicle at the scene of the accident or as close to the accident as possible in a manner that does not obstruct traffic more than is necessary.

(2) Immediately return to and remain at the scene of the accident until the driver does the following:

(A) Gives the driver's name and address and the registration number of the vehicle the driver was driving.

(B) Upon request, exhibits the driver's license of the driver to the driver or occupant of or person attending each vehicle involved in the accident.

(3) If the accident results in total property damage to an apparent extent of at least one thousand dollars ($1,000), forward a written report of the accident to the:

(A) state police department, if the accident occurs before January 1, 2006; or

(B) bureau, if the accident occurs after December 31, 2005;

within ten (10) days after the accident.

SECTION 4. IC 9-26-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) If:

(1) the driver of a vehicle is physically incapable of making ~~an immediate or~~ a written report of an accident as required by this chapter; and

(2) there was another occupant in the vehicle at the time of the accident capable of making ~~an immediate or~~ a written report;

the occupant shall make or cause to be made the report not made by the driver.

(b) If:

(1) the driver of a vehicle is physically incapable of making an immediate or a written report of an accident as required by this chapter;

(2) there was no other occupant; and

(3) the driver is not the owner of the vehicle;

the owner of the vehicle involved in the accident shall, within five (5) days after the accident, make the report not made by the driver.

SECTION 5. IC 9-26-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. A person who **knowingly,**

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intentionally, or recklessly violates section **1(2)(C),** 1(3), **1.5,** 2(1), or 2(2) of this chapter commits a Class C misdemeanor.

SECTION 6. IC 36-2-14-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) Whenever the coroner is notified that a person in the county:

(1) has died from violence;

(2) has died by casualty;

(3) has died when apparently in good health;

(4) has died in an apparently suspicious, unusual, or unnatural manner; or

(5) has been found dead;

~~he~~ **the coroner** shall, before the scene of the death is disturbed, notify a law enforcement agency having jurisdiction in that area. The agency shall assist the coroner in conducting an investigation of how the person died and a medical investigation of the cause of death.

(b) The coroner:

(1) shall file ~~with the person in charge of interment a coroner's certificate of death within seventy-two (72) hours after being notified of the death. If the cause of death is not established with reasonable certainty within seventy-two (72) hours, the coroner shall file with the person in charge of interment a coroner's certificate of death, with the cause of death designated as "deferred pending further action". As soon as he determines the cause of death, the coroner shall file a supplemental report indicating his exact findings with the local health officer having jurisdiction, who shall make it part of his official records.~~ **a certificate of death with the county health department, or if applicable, a multiple county health department of the county in which the individual died within seventy-two (72) hours after the completion of the death investigation;**

(2) shall complete the certificate of death using all verifiable information establishing the time and date of death; and

(3) may file a pending investigation certificate of death before completing the certificate of death, if necessary.

(c) If this section applies, the body and the scene of death may not be disturbed until the coroner has photographed them in the manner that most fully discloses how the person died. However, a coroner or law enforcement officer may order a body to be moved before photographs are taken if the position or location of the body unduly interferes with activities carried on where the body is found, but the body may not be moved from the immediate area and must be moved without substantially destroying or altering the evidence present.

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(d) When acting under this section, if the coroner considers it necessary to have an autopsy performed, is required to perform an autopsy under subsection (f), or is requested by the prosecuting attorney of the county to perform an autopsy, the coroner shall employ a physician:

(1) certified by the American board of pathology; or

(2) holding an unlimited license to practice medicine in Indiana and acting under the direction of a physician certified by the American board of pathology;

to perform the autopsy. The physician performing the autopsy shall be paid a fee of at least fifty dollars ($50) from the county treasury. ~~A coroner may employ the services of the medical examiner system, provided for in IC 4-23-6-6, when an autopsy is required, as long as this subsection is met.~~

(e) If:

(1) at the request of:

(A) the decedent's spouse;

(B) a child of the decedent, if the decedent does not have a spouse;

(C) a parent of the decedent, if the decedent does not have a spouse or children;

(D) a brother or sister of the decedent, if the decedent does not have a spouse, children, or parents; or

(E) a grandparent of the decedent, if the decedent does not have a spouse, children, parents, brothers, or sisters;

(2) in any death, where two (2) or more witnesses who corroborate the circumstances surrounding death are present; and

(3) two (2) physicians who are licensed to practice medicine in the state and who have made separate examinations of the decedent certify the same cause of death in an affidavit within twenty-four (24) hours after death;

an autopsy need not be performed. The affidavits shall be filed with the circuit court clerk.

(f) A county coroner may not certify the cause of death in the case of the sudden and unexpected death of a child who is at least one (1) week old and not more than three (3) years old unless an autopsy is performed at county expense. However, a coroner may certify the cause of death of a child described in this subsection without the performance of an autopsy if subsection (e) applies to the death of the child.

SECTION 7. IC 36-2-14-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 17. (a) A person who knowingly or intentionally fails to immediately notify the coroner or a

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law enforcement agency of the discovery of the body of a person who has died:

(1) from violence; or

(2) in an apparently suspicious, unusual, or unnatural manner;

commits a ~~Class B infraction.~~ **Class A misdemeanor.**

(b) A person who, **with intent to hinder a criminal investigation and** without the permission of the coroner or a law enforcement officer, knowingly or intentionally ~~moves or transports from~~ **alters** the scene of death ~~the body~~ of a person who has died:

(1) from violence; or

(2) in an apparently suspicious, unusual, or unnatural manner;

commits a Class D felony.

SECTION 8. IC 36-2-14-18, AS AMENDED BY P.L.141-2006, SECTION 113, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 18. (a) Notwithstanding IC 5-14-3-4(b)(1) **and subject to subsection (c),** when a coroner investigates a death, the office of the coroner is required to make available for public inspection and copying **a report that contains** the following **information:**

(1) The name, age, address, sex, and race of the deceased.

(2) The address where the dead body was found, or if there is no address the location where the dead body was found and, if different, the address where the death occurred, or if there is no address the location where the death occurred.

(3) The name of the agency to which the death was reported and the name of the person reporting the death.

(4) The name of any public official or governmental employee present at the scene of the death and the name of the person certifying or pronouncing the death.

(5) Information regarding an autopsy (requested or performed) limited to the date, the person who performed the autopsy, where the autopsy was performed, and a conclusion as to:

(A) the probable cause of death;

(B) the probable manner of death; and

(C) the probable mechanism of death.

(6) The location to which the body was removed, the person determining the location to which the body was removed, and the authority under which the decision to remove the body was made.

(7) The records required to be filed by a coroner under section 6 of this chapter and the verdict and the written report required under section 10 of this chapter.

(b) A coroner shall complete a report described in subsection (a)

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not later than two (2) weeks after the date:

(1) the written autopsy report has been completed; or

(2) any other reports the coroner requested as part of the investigation of the death have been completed;

whichever occurs last.

(c) A prosecuting attorney may submit a written application to the appropriate circuit or superior court for an order that requires the coroner to keep a report described in subsection (a) confidential. If an application for an order is submitted to circuit court under this subsection, the report described in subsection (a) must be kept confidential until the circuit court rules on the application. The court may issue an order that requires a report described in subsection (a) to be kept confidential only if the prosecuting attorney demonstrates by a preponderance of the evidence that making information in the report available to the public will create a significant risk of harm to the investigation of the death. When ruling on an application for an order submitted under this subsection, the court shall state its reasons in writing for granting or denying the application. If a court issues an order under this subsection that restricts public access to a report described in subsection (a), the order must not:

(1) be any more restrictive; or

(2) apply any longer;

than is necessary to eliminate the significant risk of harm to the investigation of the death.

(d) If a court issues an order under subsection (c), any person may submit a written application to the court that requests the court to rescind the order. If an application to rescind an order is submitted to a court under this subsection, the report described in subsection (a) must be kept confidential until the court makes a ruling concerning the application. A person who submits an application to a court under this subsection shall notify the appropriate prosecuting attorney that the application has been submitted. A hearing concerning an application may be conducted in camera to protect the confidentiality of information contained in the report. The court may rescind an order issued under subsection (c) only if the person who submitted the application demonstrates by a preponderance of the evidence that:

(1) the public interest will be served by making information in the report available to the public; and

(2) access to or dissemination of information in the report will not create a significant risk of harm to the investigation of the

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death.

When ruling on an application submitted under this subsection, the court shall state its reasons in writing for granting or denying the application.

~~(b)~~ **(e)** A county coroner or a coroner's deputy who receives an investigatory record from a law enforcement agency shall treat the investigatory record with the same confidentiality as the law enforcement agency would treat the investigatory record.

~~(c)~~ **(f)** Notwithstanding any other provision of this section, a coroner shall make available a full copy of an autopsy report, other than a photograph, video recording, or audio recording of the autopsy, upon the written request of the next of kin of the decedent or of an insurance company investigating a claim arising from the death of the individual upon whom the autopsy was performed. The insurance company is prohibited from publicly disclosing any information contained in the report beyond that information that may otherwise be disclosed by a coroner under this section. This prohibition does not apply to information disclosed in communications in conjunction with the investigation, settlement, or payment of the claim.

~~(d)~~ **(g)** Notwithstanding any other provision of this section, a coroner shall make available a full copy of an autopsy report, other than a photograph, video recording, or audio recording of the autopsy, upon the written request of:

(1) the director of the division of disability and rehabilitative services established by IC 12-9-1-1;

(2) the director of the division of mental health and addiction established by IC 12-21-1-1; or

(3) the director of the division of aging established by IC 12-9.1-1-1;

in connection with a division's review of the circumstances surrounding the death of an individual who received services from a division or through a division at the time of the individual's death.

SECTION 9. IC 36-2-14-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 20. **(a) As used in this section, "autopsy" means the external and surgical internal examination of all body systems of a decedent, including toxicology and histology.**

~~(a)~~ **(b)** Except as provided in subsection ~~(b)~~ **(c)** and IC 4-24-4-1, if an Indiana resident:

(1) dies in an Indiana county as a result of an incident that occurred in another Indiana county; and

(2) is the subject of an autopsy performed under the authority and

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duties of the county coroner of the county where the death occurred;

the county coroner shall bill the county in which the incident occurred for the cost of the autopsy, including the physician fee under section 6(d) of this chapter.

~~(b)~~ **(c)** Except as provided in subsection ~~(a)~~ **(b)** and IC 4-24-4-1, payment for the costs of an autopsy requested by a party other than the:

(1) county prosecutor; or

(2) county coroner;

of the county in which the individual died must be made by the party requesting the autopsy.

~~(c)~~ **(d)** This section does not preclude the coroner of a county in which a death occurs from attempting to recover autopsy costs from the jurisdiction outside Indiana where the incident that caused the death occurred.

SECTION 10. IC 36-2-14-22 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 22. A coroner shall follow the procedures set forth in IC 29-2-16 concerning organ and tissue procurement.**

SECTION 11. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2007]: IC 36-2-14-12; IC 36-2-14-14.

SECTION 12. [EFFECTIVE JULY 1, 2007] **IC 9-26-1-1, IC 9-26-1-6, and IC 9-26-1-9, all as amended by this act, and IC 9-26-1-1.5, as added by this act, apply only to crimes committed after June 30, 2007.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1521, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles and local government.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 9-26-1-1, AS AMENDED BY P.L.210-2005, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. The driver of a vehicle involved in an accident that results in the injury or death of a person **or the entrapment of a person in a vehicle** shall do the following:

(1) Immediately stop the **driver's** vehicle at the scene of the accident or as close to the accident as possible in a manner that does not obstruct traffic more than is necessary.

(2) Immediately return to and remain at the scene of the accident until the driver does the following:

(A) Gives the driver's name and address and the registration number of the vehicle the driver was driving.

(B) Upon request, exhibits the driver's license of the driver to the following:

(i) The person struck.

(ii) The driver or occupant of or person attending each vehicle involved in the accident.

(C) Determines the need for and renders reasonable assistance to each person injured **or entrapped** in the accident, including the removal or the making of arrangements for the removal of each:

(i) injured person to a physician or hospital for medical treatment; **and**

(ii) entrapped person.

(3) Immediately give notice of the accident by the quickest means of communication to one (1) of the following:

(A) The local police department if the accident occurs within a municipality.

(B) The office of the county sheriff or the nearest state police post if the accident occurs outside a municipality.

(4) Within ten (10) days after the accident, forward a written report of the accident to the:

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(A) state police department, if the accident occurs before January 1, 2006; or

(B) bureau, if the accident occurs after December 31, 2005.

SECTION 2. IC 9-26-1-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 1.5. (a) If the driver of a vehicle is physically incapable of giving immediate notice of an accident as required by section 1(3) of this chapter and there is another occupant in the vehicle at the time of the accident capable of giving the notice, the occupant shall do the following:**

(1) Immediately give notice of the accident by the quickest means of communication to one (1) of the following:

(A) The local police department if the accident occurs within a municipality.

(B) The office of the county sheriff or the nearest state police post if the accident occurs outside a municipality.

(2) Determine the need for and render reasonable assistance to each person injured or entrapped in the accident, including the removal or the making of arrangements for the removal of each:

(A) injured person to a physician or hospital for medical treatment; and

(B) entrapped person.

(b) If there is more than one (1) occupant in a vehicle described in subsection (a), it is a defense to a prosecution under this section that the accused occupant reasonably believed another occupant in the vehicle gave the notice and assistance not given by the driver.

SECTION 3. IC 9-26-1-2, AS AMENDED BY P.L.210-2005, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. The driver of a vehicle involved in an accident that does not result in injury or death of a person **or the entrapment of a person in a vehicle** but that does result in damage to a vehicle that is driven or attended by a person shall do the following:

(1) Immediately stop the vehicle at the scene of the accident or as close to the accident as possible in a manner that does not obstruct traffic more than is necessary.

(2) Immediately return to and remain at the scene of the accident until the driver does the following:

(A) Gives the driver's name and address and the registration number of the vehicle the driver was driving.

(B) Upon request, exhibits the driver's license of the driver to the driver or occupant of or person attending each vehicle

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involved in the accident.

(3) If the accident results in total property damage to an apparent extent of at least one thousand dollars ($1,000), forward a written report of the accident to the:

(A) state police department, if the accident occurs before January 1, 2006; or

(B) bureau, if the accident occurs after December 31, 2005;

within ten (10) days after the accident.

SECTION 4. IC 9-26-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) If:

(1) the driver of a vehicle is physically incapable of making ~~an immediate or~~ a written report of an accident as required by this chapter; and

(2) there was another occupant in the vehicle at the time of the accident capable of making ~~an immediate or~~ a written report;

the occupant shall make or cause to be made the report not made by the driver.

(b) If:

(1) the driver of a vehicle is physically incapable of making an immediate or a written report of an accident as required by this chapter;

(2) there was no other occupant; and

(3) the driver is not the owner of the vehicle;

the owner of the vehicle involved in the accident shall, within five (5) days after the accident, make the report not made by the driver.

SECTION 5. IC 9-26-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. A person who **knowingly, intentionally, or recklessly** violates section **1(2)(C),** 1(3), **1.5,** 2(1), or 2(2) of this chapter commits a Class C misdemeanor.".

Page 3, line 29, after "who," insert "**with intent to hinder a criminal investigation and**".

Page 3, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 8. IC 36-2-14-18, AS AMENDED BY P.L.141-2006, SECTION 113, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 18. (a) Notwithstanding IC 5-14-3-4(b)(1) **and subject to subsection (c),** when a coroner investigates a death, the office of the coroner is required to make available for public inspection and copying **a report that contains** the following **information:**

(1) The name, age, address, sex, and race of the deceased.

(2) The address where the dead body was found, or if there is no address the location where the dead body was found and, if

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different, the address where the death occurred, or if there is no address the location where the death occurred.

(3) The name of the agency to which the death was reported and the name of the person reporting the death.

(4) The name of any public official or governmental employee present at the scene of the death and the name of the person certifying or pronouncing the death.

(5) Information regarding an autopsy (requested or performed) limited to the date, the person who performed the autopsy, where the autopsy was performed, and a conclusion as to:

(A) the probable cause of death;

(B) the probable manner of death; and

(C) the probable mechanism of death.

(6) The location to which the body was removed, the person determining the location to which the body was removed, and the authority under which the decision to remove the body was made.

(7) The records required to be filed by a coroner under section 6 of this chapter and the verdict and the written report required under section 10 of this chapter.

(b) A coroner shall complete a report described in subsection (a) not later than two (2) weeks after the date:

(1) the written autopsy report has been completed; or

(2) any other reports the coroner requested as part of the investigation of the death have been completed;

whichever occurs last.

(c) A prosecuting attorney may submit a written application to the appropriate circuit or superior court for an order that requires the coroner to keep a report described in subsection (a) confidential. If an application for an order is submitted to circuit court under this subsection, the report described in subsection (a) must be kept confidential until the circuit court rules on the application. The court may issue an order that requires a report described in subsection (a) to be kept confidential only if the prosecuting attorney demonstrates by a preponderance of the evidence that making information in the report available to the public will create a significant risk of harm to the investigation of the death. When ruling on an application for an order submitted under this subsection, the court shall state its reasons in writing for granting or denying the application. If a court issues an order under this subsection that restricts public access to a report described in subsection (a), the order must not:

(1) be any more restrictive; or

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(2) apply any longer;

than is necessary to eliminate the significant risk of harm to the investigation of the death.

(d) If a court issues an order under subsection (c), any person may submit a written application to the court that requests the court to rescind the order. If an application to rescind an order is submitted to a court under this subsection, the report described in subsection (a) must be kept confidential until the court makes a ruling concerning the application. A person who submits an application to a court under this subsection shall notify the appropriate prosecuting attorney that the application has been submitted. A hearing concerning an application may be conducted in camera to protect the confidentiality of information contained in the report. The court may rescind an order issued under subsection (c) only if the person who submitted the application demonstrates by a preponderance of the evidence that:

(1) the public interest will be served by making information in the report available to the public; and

(2) access to or dissemination of information in the report will not create a significant risk of harm to the investigation of the death.

When ruling on an application submitted under this subsection, the court shall state its reasons in writing for granting or denying the application.

~~(b)~~ **(e)** A county coroner or a coroner's deputy who receives an investigatory record from a law enforcement agency shall treat the investigatory record with the same confidentiality as the law enforcement agency would treat the investigatory record.

~~(c)~~ **(f)** Notwithstanding any other provision of this section, a coroner shall make available a full copy of an autopsy report, other than a photograph, video recording, or audio recording of the autopsy, upon the written request of the next of kin of the decedent or of an insurance company investigating a claim arising from the death of the individual upon whom the autopsy was performed. The insurance company is prohibited from publicly disclosing any information contained in the report beyond that information that may otherwise be disclosed by a coroner under this section. This prohibition does not apply to information disclosed in communications in conjunction with the investigation, settlement, or payment of the claim.

~~(d)~~ **(g)** Notwithstanding any other provision of this section, a coroner shall make available a full copy of an autopsy report, other than a photograph, video recording, or audio recording of the autopsy, upon

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the written request of:

(1) the director of the division of disability and rehabilitative services established by IC 12-9-1-1;

(2) the director of the division of mental health and addiction established by IC 12-21-1-1; or

(3) the director of the division of aging established by IC 12-9.1-1-1;

in connection with a division's review of the circumstances surrounding the death of an individual who received services from a division or through a division at the time of the individual's death.".

Page 4, after line 23, begin a new paragraph and insert:

"SECTION 16. [EFFECTIVE JULY 1, 2007] **IC 9-26-1-1, IC 9-26-1-6, and IC 9-26-1-9, all as amended by this act, and IC 9-26-1-1.5, as added by this act, apply only to crimes committed after June 30, 2007.**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1521 as introduced.)

HOY, Chair

Committee Vote: yeas 11, nays 0.

C o p y