

HOUSE BILL NO. HB0042

Coroner record confidentiality.

Sponsored by: Representative(s) Gingery

A BILL

for

1 AN ACT relating to coroners; providing confidentiality for
2 toxicology reports, photographs, video recordings or audio
3 recordings of the scene of the death or made in the course
4 of a postmortem examination or autopsy by a coroner;
5 providing exceptions; providing penalties; and providing
6 for an effective date.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.** W.S. 7-4-105 is created to read:

11

12 **7-4-105. Confidentiality of reports, photos and**
13 **recordings; exceptions; penalties.**

14

15 (a) After viewing the body, the coroner shall draw up
16 and sign his verdict on the death under consideration. The
17 coroner shall also make a written docket giving an accurate

1 description of the deceased person, his name if it can be
2 determined, cause and manner of death, age of decedent,
3 date and time of death and the amount of money and other
4 property found with the body. The verdict and written
5 docket are public records and may be viewed or obtained by
6 request to the coroner, pursuant to W.S. 16-4-202.

7

8 (b) Except as provided in subsections (c), (d), (e)
9 and (g) of this section a toxicology report, a photograph,
10 video recording or audio recording made at the scene of the
11 death or made in the course of a postmortem examination or
12 autopsy made or caused by a coroner shall be confidential
13 and are not public records.

14

15 (c) A surviving spouse, or if there is no surviving
16 spouse, the surviving parents, or if there is no surviving
17 spouse or parent, an adult child may:

18

19 (i) View and copy a toxicology report, a
20 photograph or video recording made at the scene of the
21 death or made in the course of a postmortem examination or
22 autopsy made by or caused by a coroner; and

23

1 (ii) Listen to and copy an audio recording made
2 at the scene of the death or made in the course of a
3 postmortem examination or autopsy made by or caused by a
4 coroner.

5

6 (d) Upon making a written request, a law enforcement
7 entity of the state of Wyoming or United States government,
8 a district attorney, the United States attorney for the
9 district of Wyoming, a county, state or federal public
10 health agency, insurance companies with legitimate interest
11 in the death, all parties in civil litigation proceedings
12 or a treating physician, while in performance of his
13 official duty may:

14

15 (i) View and copy a toxicology report,
16 photograph or video recording made at the scene of the
17 death or made in the course of a postmortem examination or
18 autopsy made by or caused by a coroner; and

19

20 (ii) Listen to and copy an audio recording made
21 at the scene of the death or made in the course of a
22 postmortem examination or autopsy made by or caused by a
23 coroner.

24

1 (e) Unless otherwise required in the performance of
2 official duties, the identity of the deceased shall remain
3 confidential in any record obtained under subsection (d) of
4 this section. The records obtained under subsection (d) of
5 this section may be used in a criminal action or civil
6 proceeding which relates to the death of that person.

7

8 (f) The coroner having custody of a toxicology
9 report, a photograph, a video recording or an audio
10 recording made at any scene of the death or made in the
11 course of a postmortem examination or autopsy may allow the
12 use for case consultation with a pathologist or forensic
13 scientist. The coroner may also allow the use of a
14 toxicology report, a photograph, a video recording or an
15 audio recording made at the scene of the death or made in
16 the course of a postmortem examination or autopsy by
17 legitimate scientific research organizations provided the
18 identity of the decedent is not published or otherwise made
19 public.

20

21 (g) A court upon showing of good cause, may issue an
22 order authorizing a person to:

23

1 (i) View or copy a toxicology report, photograph
2 or video recording made at the scene of the death or made
3 in the course of a postmortem examination or autopsy made
4 or caused by a coroner; and

5

6 (ii) Listen to and copy an audio recording made
7 at the scene of the death or made in the course of a
8 postmortem examination or autopsy made or caused by a
9 coroner.

10

11 (h) In determining good cause under subsection (g) of
12 this section, the court shall consider:

13

14 (i) Whether the disclosure is necessary for the
15 public evaluation of governmental performance;

16

17 (ii) The seriousness of the intrusion into the
18 family's right to privacy;

19

20 (iii) Whether the disclosure of the toxicology
21 report, photograph, video recording or audio recording is
22 by the least intrusive means available; and

23

1 (iv) The availability of similar information in
2 other public records regardless of form.

3

4 (j) A surviving spouse shall be given reasonable
5 notice and a copy of any petition filed with the court
6 under subsection (g) of this section and reasonable
7 opportunity to be present and be heard on the matter. If
8 there is no surviving spouse, the notice of the petition
9 being filed and the opportunity to be heard shall be given
10 to the deceased's parents and if the deceased has no living
11 parent, the notice of the petition being filed and the
12 opportunity to be heard shall be given to the adult
13 children of the deceased.

14

15 (k) A coroner or coroner's designee that knowingly
16 violates this section shall be guilty of a misdemeanor
17 punishable by imprisonment for not more than six (6)
18 months, a fine of not more than one thousand dollars
19 (\$1,000.00), or both.

20

21 (m) A person who knowingly or purposefully uses the
22 information in a manner other than the specified purpose
23 for which it was released or violates a court order issued
24 under subsection (g) of this section is guilty of a

1 misdemeanor punishable by imprisonment for not more than
2 six (6) months, a fine of not more than one thousand
3 dollars (\$1,000.00), or both.

4
5 (n) In all cases, the viewing, copying, listening to,
6 or other handling of a toxicology report, photograph, video
7 recording, or audio recording made at a scene of the death
8 or made in the course of a postmortem examination or
9 autopsy made or caused by a coroner shall be under the
10 direct supervision of the coroner, or the coroner's
11 designee, who is the custodian of the record.

12

13 **Section 2.** W.S. 16-4-203(d)(i) is amended to read:

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15 **16-4-203. Right of inspection; grounds for denial;**
16 **access of news media; order permitting or restricting**
17 **disclosure; exceptions.**

18

19 (d) The custodian shall deny the right of inspection
20 of the following records, unless otherwise provided by law:

21

22 (i) Medical, psychological and sociological data
23 on individual persons, exclusive of coroners' ~~autopsy~~
24 ~~reports~~ verdicts as provided in W.S. 7-1-405(a);

