



General Assembly

February Session, 2004

Amendment

LCO No. 3711

HB0517903711HDO

Offered by:

REP. O'ROURKE, 32nd Dist.

To: Subst. House Bill No. 5179

File No. 372

Cal. No. 251

**"AN ACT CONCERNING DISCLOSURE OF INFORMATION
CONCERNING DEPARTMENT OF MENTAL HEALTH AND
ADDICTION SERVICES EMPLOYEES AND RESIDENTIAL
ADDRESSES UNDER THE FREEDOM OF INFORMATION ACT."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 19a-411 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective from passage*):

5 (a) The Office of the Chief Medical Examiner shall keep full and
6 complete records properly indexed, giving the name, if known, of
7 every person whose death is investigated, the place where the body
8 was found, the date, cause and manner of death and containing all
9 other relevant information concerning the death and a copy of the
10 death certificate. The full report and detailed findings of the autopsy
11 and toxicological and other scientific investigation, if any, shall be a
12 part of the record in each case. The office shall promptly notify the
13 state's attorney having jurisdiction of such death and deliver to the

14 state's attorney copies of all pertinent records relating to every death in
15 which further investigation may be advisable. Any state's attorney,
16 chief of police or other law enforcement official may, upon request,
17 secure copies of such records or other information deemed necessary
18 by such official for the performance of his or her official duties.

19 (b) The report of examinations conducted by the Chief Medical
20 Examiner, Deputy Chief Medical Examiner, an associate medical
21 examiner or an authorized assistant medical examiner, and of the
22 autopsy and other scientific findings may be made available to the
23 public only through the Office of the Chief Medical Examiner and in
24 accordance with this section, section 1-210, as amended, and the
25 regulations of the commission. Any person may obtain copies of such
26 records upon such conditions and payment of such fees as may be
27 prescribed by the commission, except that no person with a legitimate
28 interest in the records shall be denied access to such records, and no
29 person may be denied access to records concerning a person in the
30 custody of the state at the time of death. Any person may obtain copies
31 of such records concerning a person who died directly or indirectly as
32 the result of any police action or activity upon such conditions and
33 payment of such fees as may be prescribed by the commission,
34 provided such disclosure shall be made in accordance with the
35 provisions of subdivision (3) of subsection (b) of section 1-210, as
36 amended. As used in this section, a "person in the custody of the state"
37 is a person committed to the custody of (1) the Commissioner of
38 Correction for confinement in a correctional institution or facility or a
39 community residence, (2) the Commissioner of Children and Families,
40 or (3) the Commissioner of Mental Retardation, and "police action or
41 activity" means an act involving the use of deadly force by any peace
42 officer, as defined in section 53a-3, in the furtherance or course of
43 conducting such officer's duties.

44 (c) Upon application by the Chief Medical Examiner or state's
45 attorney to the superior court for the judicial district in which the
46 death occurred, or to any judge of the superior court in such judicial
47 district when said court is not then sitting, said court or such judge

48 may limit such disclosure to the extent that there is a showing by the
49 Chief Medical Examiner or state's attorney of compelling public
50 interest against disclosure of any particular document or documents.
51 Public authorities, professional, medical, legal or scientific bodies or
52 universities or similar research bodies may, in the discretion of the
53 commission, have access to all records upon such conditions and
54 payment of such fees as may be prescribed by the commission. Where
55 such information is made available for scientific or research purposes,
56 such conditions shall include a requirement that the identity of the
57 deceased persons shall remain confidential and shall not be
58 published."