



Senate

General Assembly

January Session, 2005

File No. 564

Senate Bill No. 1127

Senate, April 28, 2005

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING AUTOPSY REPORTS OF PERSONS WHO DIED AS A RESULT OF POLICE ACTIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-411 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

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

14 chief of police or other law enforcement official may, upon request,
15 secure copies of such records or other information deemed necessary
16 by such official for the performance of his or her official duties.

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

41 (c) Upon application by the Chief Medical Examiner or state's
42 attorney to the superior court for the judicial district in which the
43 death occurred, or to any judge of the superior court in such judicial
44 district when said court is not then sitting, said court or such judge
45 may limit such disclosure to the extent that there is a showing by the
46 Chief Medical Examiner or state's attorney of compelling public
47 interest against disclosure of any particular document or documents.

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Office of the Chief Medical Examiner; Comptroller's Fringe Benefits	GF - Cost	Potential Minimal	Potential Minimal
Freedom of Information Commission; Attorney General; and Judicial Department	GF - None	None	None
Office of Chief Medical Examiner	GF -Revenue Gain	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill allows further access to autopsy records and other findings of the Office of the Chief Medical Examiner (OCME) related to persons who died as a result of police action or activity. Allowing further access to OCME reports (beyond the current categories of constituents) may significantly increase the number of request for copies of the reports. The volume of requests will dictate the need for additional staff as the department's response to requests will be maintained. If demand for records increase significantly, the department would be required to hire a Processing Technician (\$37,000 annual salary and an additional \$19,900 in annual fringe benefits¹) to handle the additional workload.

The OCME generates approximately 6,000 copies of reports

¹ The fringe benefit costs for state employees are budgeted centrally in the Miscellaneous Accounts administered by the Comptroller. The estimated fringe benefit reimbursement rate as a percentage of payroll is 53.91%, effective July 1, 2004. However, first year fringe benefit costs for new positions do not include pension costs lowering the rate to 22.65%. The state's pension contribution is based upon the prior year's certification by the actuary for the State Employees Retirement System.

annually for the specific categories of constituents now eligible to receive reports. Due to the volume of reports that involve police activity, it is anticipated that a significant increase in requests may result. The state would experience a revenue gain from the collection of additional fees for copied materials from this new category of requestors (current rate of \$2 per page) .

The Freedom of Information Commission, Judicial Department and the Attorney General may incur an additional workload created by the bill from increased filings of appeals. It is anticipated that these agencies can handle the potential increase within their existing resources.

OLR Bill Analysis

SB 1127

AN ACT CONCERNING AUTOPSY REPORTS OF PERSONS WHO DIED AS A RESULT OF POLICE ACTIONS**SUMMARY:**

This bill gives the general public, rather than just those people with a legitimate interest, access to most of the chief medical examiner's reports, autopsies, and other scientific findings on anyone who dies as a direct or indirect result of police action or activity. This does not include access to confidential records protected from disclosure under the Freedom of Information Act. The bill covers actions and activities taken by state, town, or municipal law enforcement officers in the course of their duties.

Under current law, the medical examiner's reports and findings are disclosable, with one exception, only to those people with a legitimate interest in them as established by the Commission on Medicolegal Investigations. Those with a legitimate interest are next of kin, an attorney acting on the behalf of an estate, or an insurance agent. The general public currently has access to the reports and findings on anyone who dies in the custody of the commissioners of children and families, mental retardation, or correction while confined to a correctional institution, facility, or community residence.

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Change of Reference

Yea 12 Nay 4

Judiciary Committee

Joint Favorable Report

Yea 32 Nay 8

