



Senate

General Assembly

File No. 232

February Session, 2006

Senate Bill No. 401

Senate, March 30, 2006

The Committee on Government Administration and Elections reported through SEN. DEFRONZO of the 6th 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 Section 19a-411 of the general statutes is repealed and the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, as amended, and the
23 regulations of the commission. Any person may obtain copies of such
24 records upon such conditions and payment of such fees as may be
25 prescribed by the commission, except that no person with a legitimate
26 interest in the records shall be denied access to such records, and no
27 person may be denied access to records concerning a person in the
28 custody of the state at the time of death. Any person may obtain copies
29 of such records concerning a person who died directly or indirectly as
30 the result of any police action or activity, upon such conditions and
31 payment of such fees as may be prescribed by the commission,
32 provided such disclosure shall be subject to the provisions of
33 subdivision (3) of subsection (b) of section 1-210 of the 2006
34 supplement to the general statutes. As used in this section, a "person in
35 the custody of the state" is a person committed to the custody of (1) the
36 Commissioner of Correction for confinement in a correctional
37 institution or facility or a community residence, (2) the Commissioner
38 of Children and Families, or (3) the Commissioner of Mental
39 Retardation, and "police action or activity" means any act undertaken
40 by any state, town or municipal law enforcement officer in the
41 furtherance or course of conducting such officer's duties.

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

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

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| This act shall take effect as follows and shall amend the following sections: | | |
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|-----------|---------------------|---------|
| Section 1 | <i>from passage</i> | 19a-411 |
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GAE *Joint Favorable*

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 07 \$ | FY 08 \$ |
|---|--------------------|-------------------|-------------------|
| Office of the Chief Medical Examiner; Comptroller's Fringe Benefits | GF - Cost | Potential Minimal | Potential Minimal |
| Office of the Chief Medical Examiner | GF - Revenue Gain | Potential Minimal | Potential 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 \$21,570 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 first year fringe benefit rate as a percentage of payroll is 23.6%, effective July 1, 2005. The first year fringe benefit costs for new positions do not include pension costs. The state's pension contribution is based upon the prior year's certification by the actuary for the State Employees Retirement System (SERS). The SERS 2005-06 fringe benefit rate is 34.7%, which when combined with the non pension fringe benefit rate would total 58.3%.

annually for the specific categories of constituents now eligible to receive reports. The impact of the bill would depend on the increase in volume of requests. 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 Out Years

The annualized ongoing fiscal impact identified above would continue into the future.

**OLR Bill Analysis
SB 401*****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. It covers actions and activities taken by state, town, or municipal law enforcement officers in the course of their duties. The bill allows the Commission on Medicolegal Investigations to prescribe fees and conditions regulating the release of such records. It does not provide access to confidential law enforcement records protected from disclosure under the Freedom of Information Act.

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 behalf of an estate or on either side of a criminal or civil action, a medical professional, an insurance agent, or a government agency that needs the record to fulfill its fiduciary responsibility. 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 residing in a facility, community residence, or correctional institution.

EFFECTIVE DATE: Upon passage.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable

Yea 14 Nay 5 (03/14/2006)