



# Senate

General Assembly

**File No. 727**

January Session, 2011

Substitute Senate Bill No. 1054

*Senate, May 3, 2011*

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

## ***AN ACT CONCERNING THE DISCLOSURE OF AUTOPSY REPORTS.***

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

1 Section 1. Subdivision (3) of subsection (b) of section 1-210 of the  
2 general statutes is repealed and the following is substituted in lieu  
3 thereof (*Effective October 1, 2011*):

4 (3) Records of law enforcement agencies not otherwise available to  
5 the public which records were compiled in connection with the  
6 detection or investigation of crime, if the disclosure of said records  
7 would not be in the public interest because it would result in the  
8 disclosure of (A) the identity of informants not otherwise known or the  
9 identity of witnesses not otherwise known whose safety would be  
10 endangered or who would be subject to threat or intimidation if their  
11 identity was made known, (B) signed statements of witnesses, (C)  
12 information to be used in a prospective law enforcement action if  
13 prejudicial to such action, (D) investigatory techniques not otherwise  
14 known to the general public, (E) arrest records of a juvenile, which  
15 shall also include any investigatory files, concerning the arrest of such

16 juvenile, compiled for law enforcement purposes, (F) the name and  
 17 address of the victim of a sexual assault under section 53a-70, 53a-70a,  
 18 53a-71, 53a-72a, 53a-72b or 53a-73a, or injury or risk of injury, or  
 19 impairing of morals under section 53-21, or of an attempt thereof, [or]  
 20 (G) uncorroborated allegations subject to destruction pursuant to  
 21 section 1-216, or (H) the records of an investigation and examination  
 22 by the Office of the Chief Medical Examiner of the death of a person  
 23 under eighteen years of age caused by an apparent homicide,  
 24 including the autopsy report and other scientific findings.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2011	1-210(b)(3)

**JUD**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

**Explanation**

The bill, which expands Freedom of Information Act disclosure exemptions to include records of the investigations and examinations by the Office of the Chief Medical Examiner, does not result in a fiscal impact to the Office.

**The Out Years**

**State Impact:** None

**Municipal Impact:** None

**OLR Bill Analysis****sSB 1054*****AN ACT CONCERNING THE DISCLOSURE OF AUTOPSY REPORTS.*****SUMMARY:**

This bill expands the Freedom of Information Act's exemption from disclosure for law enforcement records compiled in connection with an investigation to include records of a medical examiner's investigation and examination in the apparent homicide of a person under age 18, including autopsy reports and other scientific findings. Like other records covered under the exemption, the medical examiner's records are exempt from disclosure unless they are otherwise available to the public.

EFFECTIVE DATE: October 1, 2011

**BACKGROUND*****Related Law***

Unless an autopsy report concerns a person who died in state custody, current law and Commission on Medicolegal Investigations regulations limit the release of autopsy reports to:

1. a public authority, professional, medical, legal, or scientific body or university for research purposes;
2. a person with "legitimate interest" in the records, such as a family member, executor, or insurance claim agent (unless a court order bars disclosure); or
3. the defense counsel of record or a *pro se* litigant in a criminal case (CGS § 19a-411 and Conn. Agencies Reg. § 19a-401-12).

The general public can obtain copies of the medical examiner's

reports when the person was in state custody at the time of death (PA 02-137).

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 39 Nay 3 (04/15/2011)