

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

☐ FLOOR AMENDMENT

No. _____

☐ COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 207, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Bice

Bice-AM-FS-Req#1606
3/21/2017 5:30 PM

(Floor Amendments Only) Date and Time Filed: _____

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

FLOOR SUBSTITUTE

FOR

SENATE BILL NO. 207

By: Bice of the Senate

and

Osborn (Leslie) of the
House

FLOOR SUBSTITUTE

[Office of the Chief Medical Examiner - autopsy
reports - sealed - district attorneys - cremation -
limitation on fee - effective date]

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 63 O.S. 2011, Section 945, as
amended by Section 14, Chapter 293, O.S.L. 2014 (63 O.S. Supp. 2016,
Section 945), is amended to read as follows:

Section 945. A. When properly authorized, an autopsy shall be
performed by the Chief Medical Examiner or such person as may be
designated by him or her for such purpose. The Chief Medical
Examiner or a person designated by him or her may authorize arterial
embalming of the body prior to the autopsy when such embalming would
in his or her opinion not interfere with the autopsy. The extent of

1 the autopsy shall be made as is deemed necessary by the person
2 performing the autopsy.

3 B. A full and complete report of the facts developed by the
4 autopsy together with the findings of the person making it shall be
5 prepared and filed in the Office of the Chief Medical Examiner
6 without unnecessary delay. Copies of such reports and findings
7 shall be furnished to district attorneys and law enforcement
8 officers making a criminal investigation in connection with the
9 death.

10 C. Copies of the full and complete report of the facts
11 developed by the autopsy together with the findings of the person
12 making the report shall be released by the Office of the Chief
13 Medical Examiner to the public in the most expedient manner
14 available or as requested by the records requester, and under the
15 following conditions, shall be furnished to:

16 1. Prosecutors and any law enforcement agency with authority to
17 make a criminal investigation in connection with the death;
18 provided, such copies shall not be shared with any other entity;

19 2. Any person with a demonstrable family relation to the
20 deceased, unless the prosecutor or law enforcement agency making a
21 criminal investigation objects to the release of documents to any
22 family member. Prosecutors and law enforcement agencies shall be
23 prohibited from objecting to the release of the full and complete
24 autopsy report to the family if the decedent was in state custody,

1 in custody of law enforcement, or is deceased due to lethal action
2 of a law enforcement officer;

3 3. Any insurance company with a contractual relationship with
4 the decedent or the family of the decedent in order to facilitate an
5 insurer's investigation of an insurance claim, or to verify and
6 process insurance claims or insurance benefits in an efficient
7 manner; and

8 4. The full and complete report of the facts developed by the
9 autopsy together with the findings of the person making the report
10 shall be withheld from public inspection and copying for ten (10)
11 business days following the date the report is generated by the
12 Office of the Chief Medical Examiner, except as provided for in this
13 subsection.

14 D. The Office of the Chief Medical Examiner shall produce a
15 summary report of investigation by the medical examiner at the same
16 time the full and complete report of the facts developed by the
17 autopsy together with the findings of the person making the report
18 is released to the persons in subsection C of this section. The
19 summary report of investigation shall be made available for public
20 inspection and copying and any person can obtain a copy of the
21 summary report of investigation in the most expedient manner
22 available or as requested by the records requester.

23 E. The summary report of investigation shall include, but not
24 be limited to:

1 1. Decedent name, age, birth date, race, sex, home address,
2 examiner notified by name and title and including date and time,
3 location where decedent was injured or became ill, including name of
4 facility, address, city, county, type of premises, date and time;
5 location of death including name of facility, city, county, type of
6 premises, date and time, and location body was viewed by medical
7 examiner including address, city, county, type of premises and date
8 and time;

9 2. If the death was a motor vehicle accident, whether the
10 decedent was the driver, passenger or pedestrian, and the type of
11 vehicle involved in the accident;

12 3. A description of the body, including but not limited to the
13 external physical examination, rigor, livor, external observations
14 including hair, eye color, body length and weight, and other
15 external observations, as well as the presence and location of
16 blood; and

17 4. The probable cause of death, other significant conditions
18 contributing to the death but not resulting in the underlying cause
19 given, manner of death, case disposition, case number, and name and
20 contact information of the medical examiner performing the autopsy,
21 including a signature and certification statement that the facts
22 contained in the report are true and correct to the best of their
23 knowledge and the date the report was signed and generated.
24

1 F. At the conclusion of the ten-day period, the full and
2 complete report shall be made available as a public record except
3 when a prosecutor or law enforcement agency declares that the full
4 and complete report contains information that would materially
5 compromise an ongoing criminal investigation.

6 1. Upon such declaration, the prosecutor or law enforcement
7 agency may request from the appropriate district court an extension
8 of time during which the full and complete autopsy report, not
9 including information in the summary report, may be withheld.

10 2. When a request for an extension of time has been filed with
11 the court, the full and complete autopsy report in question may be
12 withheld until the court has issued a ruling on the requested
13 extension of time to release the autopsy report. Such requests for
14 an extension of time during which the autopsy may be withheld shall
15 be made on the grounds that release of the full and complete autopsy
16 report will materially compromise an ongoing criminal investigation.

17 3. Courts considering such requests shall conduct a hearing and
18 consider whether the interests of the public outweigh the interests
19 asserted by the prosecutor or law enforcement agency. In response
20 to such requests, the court may order that the autopsy report be
21 made available for public inspection and copying with redaction of
22 the portions that would compromise the criminal investigation.

23 4. If an extension of time is granted by the court, each
24 subsequent extension shall only be ordered by the court for an

1 additional one year and cumulative time extensions shall not exceed
2 more than four (4) years; provided, under no circumstance shall an
3 extension of time be granted by the court if the deceased person was
4 in state custody, in custody of law enforcement or was deceased due
5 to lethal action of a law enforcement officer.

6 G. In the event that one year has expired from the date of the
7 initial release of the autopsy report without any person being
8 criminally charged in the case in question and release of the
9 autopsy or portions of the autopsy have been denied on the grounds
10 of materially compromising a criminal investigation, an appeal of
11 such denial may be made to the appropriate district court.

12 H. In the event one year has expired since the date of the
13 initial release of the autopsy report, criminal charges have not
14 been filed against a person and the autopsy report is being
15 withheld, courts considering appeals to the use of the provisions of
16 this division for temporarily withholding an autopsy report shall
17 conduct a hearing and consider whether the interests of the public
18 outweigh the interests asserted by the prosecutor or law enforcement
19 agency. In response to such appeals, the district court shall order
20 that the autopsy report be made available for public inspection and
21 copying with no redaction, or shall order an extension of time
22 during which the autopsy report may be withheld under the provisions
23 of this section.

1 I. An order granting an extension of time shall be applicable
2 to the autopsy report for the duration of the extension; provided,
3 each subsequent time extension shall only be ordered by the district
4 court for an additional twelve-month period of time or less and
5 cumulative time extensions shall not exceed four (4) years;
6 provided, charges being filed against a person in the case in
7 question, or an autopsy report being entered into evidence as part
8 of a criminal prosecution nullifies any granted extension of time.

9 J. The opportunities to withhold an autopsy report or portions
10 of an autopsy report provided in this section shall expire in
11 totality four (4) years after the date the autopsy report was
12 generated, at which time the autopsy report previously withheld on
13 the grounds provided for in this section shall be made available for
14 public inspection and copying.

15 K. Nothing in this section shall prohibit prosecutors or law
16 enforcement agencies from immediately releasing portions of
17 information contained in the full and complete autopsy report for
18 the purposes of assisting with the criminal investigation or
19 apprehension of any person involved in a criminal act that resulted
20 in the death of another person.

21 L. Nothing in this section shall prohibit a person with a
22 demonstrable family relation to the deceased who has received a copy
23 of the full and complete autopsy report from the Office of the Chief
24 Medical Examiner from authorizing the Office of the Chief Medical

1 Examiner's office to release the full and complete autopsy report to
2 any other person.

3 SECTION 2. AMENDATORY 63 O.S. 2011, Section 1-329.1, is
4 amended to read as follows:

5 Section 1-329.1. Until a permit for disposal has been issued in
6 accordance with this section, no dead human body whose death
7 occurred within the State of Oklahoma shall be cremated, buried at
8 sea, or made unavailable for further pathologic study by other
9 recognized means of destruction or dissolution of such remains.

10 When the person legally responsible for disposition of a dead
11 human body, whose death occurred or was pronounced within this
12 state, desires that the body be cremated, buried at sea, or made
13 unavailable for further pathologic study by other recognized means
14 of destruction or dissolution of such remains, that person shall
15 complete an application-permit form for such procedure provided by
16 the Office of the Chief Medical Examiner. The Office of the Chief
17 Medical Examiner, in accordance with Section 948.1 of this title,
18 shall charge a fee ~~of One Hundred Dollars (\$100.00)~~ for each
19 cremation permit issued. The Medical Examiner shall be notified, as
20 required in Section 938 of this title. ~~He~~ The Medical Examiner
21 shall perform the required investigation and shall issue a valid
22 death certificate as required by Section 947 of this title and
23 execute the permit in accordance with rules established by the
24 Office of the Chief Medical Examiner. In order to be valid, each

1 permit must contain an individual number assigned to the particular
2 permit by the Office of the Chief Medical Examiner. A copy of the
3 application-permit form and the original death certificate shall be
4 filed with the State Registrar. The original application-permit
5 form shall be filed by the funeral director with the Office of the
6 Chief Medical Examiner. Such filing shall occur or be postmarked
7 within forty-eight (48) hours of the death.

8 If death occurred or was pronounced outside the geographic
9 limits of the State of Oklahoma and the body is brought into this
10 state for such disposal, a transit permit or a permit for removal,
11 issued in accordance with the laws and regulations in force where
12 the death occurred shall authorize the transportation of the body
13 into or through this state and shall be accepted in lieu of a
14 certificate of death as required above. A valid permit issued for
15 disposal of such body in accordance with the laws in the
16 jurisdiction where the body died or death was pronounced shall be
17 authority for cremation or burial at sea or to make the body
18 otherwise unavailable for further pathologic study by other
19 recognized means of destruction or dissolution of such remains.

20 SECTION 3. This act shall become effective November 1, 2017.
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22 56-1-1606 AM 3/21/2017 5:30:10 PM
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