

**COMMITTEE AMENDMENT**

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3473 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by  
inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: Mark Lawson

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

PROPOSED COMMITTEE  
SUBSTITUTE  
FOR  
HOUSE BILL NO. 3473

By: Lawson

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to investigations; amending 63 O.S. 2021, Section 949, which relates to records, reports, and evidence relating to investigations of deaths; requiring the Office of the Chief Medical Examiner to provide records and information to prosecutorial agencies, law enforcement officials, and public defenders upon request; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2021, Section 949, is amended to read as follows:

Section 949.

A. 1. a. The Office of the Chief Medical Examiner shall keep full and complete records, properly indexed, giving the name, if known, of every person whose death is investigated, the place where the body was found, the date, cause, and manner of death and all other relevant information concerning the death. The full

1 report and detailed findings of the autopsy, if any,  
2 shall be a part of the record in each case.

3 b. The Chief Medical Examiner shall track and forward,  
4 within seventy-two (72) hours after the examination,  
5 demographic information on sudden, unexpected and  
6 nontraumatic infant deaths including, but not limited  
7 to, Sudden Infant Death Syndrome (SIDS), to the  
8 Oklahoma SIDS Coordinator at the State Department of  
9 Health and the SIDS Foundation of Oklahoma. As used  
10 in this subparagraph, "Sudden Unexpected Death in  
11 Infants and Children" (SUDIC) means the sudden,  
12 unexpected death of an apparently healthy infant less  
13 than one (1) year of age which remains unexplained  
14 following a complete medicolegal analysis and death  
15 scene investigation. The Chief Medical Examiner shall  
16 follow up with further notification upon final  
17 determination of a cause of death. Such notification  
18 shall be for statistical reporting purposes only.

19 2. a. The Office shall promptly deliver to each district  
20 attorney having jurisdiction of the case, copies of  
21 all cases relating to a death for which further  
22 investigation may be advisable.

23 b. Any ~~district attorney or other~~ city, county, state, or  
24 federal prosecutorial agency, law enforcement official

1           ~~may~~, or public defender shall, upon request to the  
2           Office of the Chief Medical Examiner, ~~obtain~~ be  
3           provided copies of ~~such~~ all records or other  
4           information ~~deemed~~ considered necessary to the  
5           performance of ~~such district attorney's or other law~~  
6           ~~enforcement official's~~ their respective official  
7           duties.

8           B. No report, findings, testimony, or other information of a  
9           medical examiner shall be admitted in evidence in any civil action  
10          in any court in this state, except under the following  
11          circumstances:

12          1. Certified copies of reports pertaining to the factual  
13          determinations of views and examination of or autopsies upon the  
14          bodies of deceased persons by the Chief Medical Examiner or anyone  
15          under his or her supervision or control may be admitted in evidence  
16          in any civil case in a court of competent jurisdiction in this state  
17          by stipulation of all parties in the case;

18          2. If a party refuses to stipulate to admission, the reports  
19          may be requested by any party seeking to admit the records as  
20          evidence. The request shall be made to the Office of the Chief  
21          Medical Examiner, who shall furnish same;

22          3. The party seeking admission of the reports shall then serve  
23          interrogatories concerning the facts to be answered under oath by  
24          the person preparing the records. The interrogatories and answers

1 thereto shall be subject to the rules of evidence and may be  
2 admissible in evidence in any civil case in a court of competent  
3 jurisdiction. Objections to the interrogatories shall be made by  
4 any party in accordance with law just as if the interrogatories had  
5 been served on the objecting party. Cross-interrogatories shall be  
6 submitted and shall be answered and admitted in evidence in the same  
7 manner as interrogatories;

8 4. The taking of depositions shall then be allowed pursuant to  
9 the provisions of Section 3230 of Title 12 of the Oklahoma Statutes;  
10 provided, however, depositions shall take place at the Office of the  
11 Chief Medical Examiner or anyone under his or her supervision or  
12 control whose testimony is sought, unless all parties, including the  
13 medical examiner, agree the deposition can be taken elsewhere;

14 5. No other testimony of the Chief Medical Examiner or anyone  
15 under his or her supervision and control shall be admitted in  
16 evidence in any civil action in any court of this state, unless  
17 timely application is made to the court by an interested party or  
18 litigant and timely notice of the application is given to the  
19 medical examiner. After a hearing, the court, for good cause shown,  
20 may order the appearance of the Chief Medical Examiner or anyone  
21 under his or her supervision and control for the purpose of  
22 testifying and may order that a subpoena be issued for that  
23 appearance; provided, however, that such order by the court shall be  
24 the exception and not the rule; and

1        6. The cost of the records or certified copies thereof shall be  
2 paid by the party requesting same. The reasonable fee charged by  
3 the Chief Medical Examiner or anyone under his or her supervision  
4 and control for answering interrogatories or cross-interrogatories,  
5 submitting to depositions, or providing testimony shall be paid by  
6 the party submitting same. This fee shall be in place of any other  
7 witness fee allowed by law.

8        C. Certified copies of reports and findings, exclusive of  
9 hearsay evidence, may be admitted in evidence in preliminary  
10 hearings and criminal trials by stipulation.

11        D. Certified copies of reports of investigations by a medical  
12 examiner, laboratory reports and/or autopsy reports may be furnished  
13 to the next of kin or others having need for them upon written  
14 statement and payment of a reasonable fee set by the Board of  
15 Medicolegal Investigations.

16        SECTION 2. This act shall become effective November 1, 2022.

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18        58-2-10285        GRS        01/27/22  
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