
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 102 Session of
2017

INTRODUCED BY GODSHALL, BENNINGHOFF, D. COSTA, A. HARRIS,
HEFFLEY AND WATSON, JANUARY 23, 2017

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 23, 2017

AN ACT

1 Amending Title 20 (Decedents, Estates and Fiduciaries) of the
2 Pennsylvania Consolidated Statutes, providing for autopsies.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Title 20 of the Pennsylvania Consolidated
6 Statutes is amended by adding a chapter to read:

7 CHAPTER 89

8 AUTOPSIES

9 Sec.

10 8901. Definitions.

11 8902. Preparation of autopsy audiovisual material.

12 8903. Confidentiality.

13 8904. Penalties.

14 § 8901. Definitions.

15 The following words and phrases when used in this chapter
16 shall have the meanings given to them in this section unless the
17 context clearly indicates otherwise:

18 "Autopsy audiovisual material." Any of the following:

1 (1) A photograph of the body of a decedent taken during
2 an autopsy.

3 (2) A video recording of an autopsy.

4 (3) An audio recording of an autopsy.

5 "Investigative or law enforcement officer." An officer of
6 the United States, of another state or subdivision of another
7 state or of the Commonwealth or a political subdivision of the
8 Commonwealth who is empowered by law to conduct investigations
9 of or to make arrests for offenses enumerated in 18 Pa.C.S.
10 (relating to crimes and offenses) or an equivalent crime in
11 another jurisdiction and an attorney authorized by law to
12 prosecute or participate in the prosecution of such offense.

13 § 8902. Preparation of autopsy audiovisual material.

14 (a) General rule.--Autopsy audiovisual material may not be
15 prepared by an individual unless the individual has the written
16 consent of:

17 (1) the physician performing the autopsy; or

18 (2) the coroner or medical examiner authorized by law to
19 perform or order the autopsy.

20 (b) Construction.--Nothing in this section may be construed
21 to apply to an investigative or law enforcement officer who
22 prepares autopsy audiovisual material in the course of the
23 officer's duty or to administrative and managerial personnel,
24 consultants and contractors working at the direction of an
25 investigative or law enforcement officer who prepares autopsy
26 audiovisual material in the course of the officer's duty.

27 § 8903. Confidentiality.

28 (a) General rule.--

29 (1) Except as set forth under subsection (b), autopsy
30 audiovisual material is confidential. Autopsy audiovisual

1 material may not be released by any of the following:

2 (i) The physician, coroner or medical examiner who
3 performed or ordered the autopsy.

4 (ii) An individual who assisted the physician,
5 coroner or medical examiner under subparagraph (i).

6 (iii) An individual who participated in the
7 preparation of autopsy audiovisual material.

8 (iv) The facility where the autopsy was performed.

9 (2) Autopsy audiovisual material shall not be deemed
10 official records and papers of the coroner and shall not be
11 subject to section 1251 of the act of August 9, 1955
12 (P.L.323, No.130), known as The County Code.

13 (b) Exception.--Subsection (a) does not apply to a release
14 of autopsy audiovisual material in any of the following
15 circumstances:

16 (1) Pursuant to consent of the decedent or a personal
17 representative, except that, during an investigation by law
18 enforcement or a coroner, the information shall only be
19 released in accordance with paragraph 5(ii) and (iii).

20 (2) To an investigative or law enforcement officer for
21 use in the course of the officer's duty.

22 (3) To the coroner or medical examiner for use in the
23 performance of official duties or training, including
24 conferral with medical or scientific experts, for teaching
25 and training.

26 (4) When an autopsy is conducted pursuant to consent of
27 the decedent or personal representative, to a physician who
28 uses the materials for teaching, training or publication in a
29 medical or scientific journal or textbook, provided the
30 identity of the decedent is redacted so as to reasonably

1 render the decedent anonymous.

2 (5) To a person pursuant to a court order of public
3 necessity or, during litigation, pursuant to a court order.

4 For an order under this paragraph, the following apply:

5 (i) There must be notice to the personal
6 representative of the subject decedent.

7 (ii) There must be a hearing.

8 (iii) The court must determine, based upon clear and
9 convincing evidence, all of the following:

10 (A) Release of the autopsy audiovisual material
11 is necessary to protect public health or safety or is
12 material and relevant to the litigation.

13 (B) The necessity under clause (A) overrides the
14 privacy interest of the decedent and the family of
15 the decedent.

16 § 8904. Penalties.

17 (a) Preparation.--An individual who violates section 8902
18 (relating to preparation of autopsy audiovisual material)
19 commits a misdemeanor of the second degree.

20 (b) Confidentiality.--An individual who violates section
21 8903 (relating to confidentiality) commits a misdemeanor of the
22 first degree.

23 Section 2. This act shall take effect in 60 days.