

LEGISLATIVE REFERENCE BUREAU

L.R.B. Form No. 4 (Rev. 3/25/10)

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No. _____

LEGISLATIVE REFERENCE BUREAU

AN ACT

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

INTRODUCED _____ 20 _____

By _____ District NO. _____

By _____ District NO. _____

By _____ District NO. _____

By _____ District NO. _____

See next page for additional co-sponsors.

Referred to Committee on	
Date _____	20 _____
Reported _____	20 _____
As Committed-Amended	
Recommendation	

By Hon. _____	

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:

1 "Autopsy." An examination of a body after death to determine
2 the:

3 (1) cause of death; or

4 (2) character and extent of changes produced by disease
5 or injury.

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

7 (1) A photograph of the body of the decedent taken
8 during the autopsy.

9 (2) A video recording of the autopsy.

10 (3) An audio recording of the autopsy.

11 "Law enforcement officer." The term includes an
12 investigative and a prosecutorial officer.

13 § 8902. Preparation of autopsy audiovisual material.

14 Autopsy audiovisual material may not be prepared by an
15 individual unless the individual has the written consent of:

16 (1) the physician performing the autopsy; or

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

19 § 8903. Confidentiality.

20 (a) General rule.--

21 (1) Except as set forth under subsection (b), autopsy
22 audiovisual material is confidential. Autopsy audiovisual
23 material may not be released by any of the following:

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

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

28 (iii) An individual who participated in the
29 preparation of autopsy audiovisual material.

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

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

5 (b) Exception.--Subsection (a) does not apply to a release
6 of autopsy audiovisual material in any of the following
7 circumstances:

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

12 (2) To a Federal, State or local law enforcement officer
13 in the performance of official duties.

14 (3) To the coroner or medical examiner for use in the
15 performance of official duties or training, including
16 conferral with medical or scientific experts, for teaching
17 and training.

18 (4) When an autopsy is conducted pursuant to consent of
19 the decedent or personal representative, to a physician who
20 uses the materials for teaching, training or publication in a
21 medical or scientific journal or textbook, provided the
22 identity of the decedent is redacted so as to reasonably
23 render the decedent anonymous.

24 (5) To a person pursuant to a court order of public
25 necessity or, during litigation, pursuant to a court order.
26 For an order under this paragraph, the following apply:

27 (i) There must be notice to the personal
28 representative of the subject decedent.

29 (ii) There must be a hearing.

30 (iii) The court must determine, based upon clear and

1 convincing evidence, all of the following:

2 (A) Release of the autopsy audiovisual material
3 is necessary to protect public health or safety or is
4 material and relevant to the litigation.

5 (B) The necessity under clause (A) overrides the
6 privacy interest of the decedent and the family of
7 the decedent.

8 § 8904. Penalties.

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

12 (b) Confidentiality.--A person that violates section 8903
13 (relating to confidentiality) commits a misdemeanor of the first
14 degree.

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