
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 65 Session of
2015

INTRODUCED BY GODSHALL, READSHAW, HANNA, MULLERY, MURT AND
SAYLOR, JANUARY 21, 2015

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 21, 2015

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." An examination of a body after death to determine

1 the:

2 (1) cause of death; or

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

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

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

8 (2) A video recording of an autopsy.

9 (3) An audio recording of an autopsy.

10 "Investigative or law enforcement officer." Any officer of
11 the United States, of another state or subdivision of another
12 state, or of the Commonwealth or a political subdivision of the
13 Commonwealth, who is empowered by law to conduct investigations
14 of or to make arrests for offenses enumerated in 18 Pa.C.S.
15 (relating to crimes and offenses) or an equivalent crime in
16 another jurisdiction and any attorney authorized by law to
17 prosecute or participate in the prosecution of such offense.
18 § 8902. Preparation of autopsy audiovisual material.

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

22 (1) the physician performing the autopsy; or

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

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

1 audiovisual material in the course of the officer's duty.

2 § 8903. Confidentiality.

3 (a) General rule.--

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

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

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

11 (iii) An individual who participated in the
12 preparation of autopsy audiovisual material.

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

14 (2) Autopsy audiovisual material shall not be deemed
15 official records and papers of the coroner and shall not be
16 subject to section 1251 of the act of August 9, 1955

17 (P.L.323, No.130), known as The County Code.

18 (b) Exception.--Subsection (a) does not apply to a release
19 of autopsy audiovisual material in any of the following
20 circumstances:

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

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

27 (3) To the coroner or medical examiner for use in the
28 performance of official duties or training, including
29 conferral with medical or scientific experts, for teaching
30 and training.

1 (4) When an autopsy is conducted pursuant to consent of
2 the decedent or personal representative, to a physician who
3 uses the materials for teaching, training or publication in a
4 medical or scientific journal or textbook, provided the
5 identity of the decedent is redacted so as to reasonably
6 render the decedent anonymous.

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

10 (i) There must be notice to the personal
11 representative of the subject decedent.

12 (ii) There must be a hearing.

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

15 (A) Release of the autopsy audiovisual material
16 is necessary to protect public health or safety or is
17 material and relevant to the litigation.

18 (B) The necessity under clause (A) overrides the
19 privacy interest of the decedent and the family of
20 the decedent.

21 § 8904. Penalties.

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

25 (b) Confidentiality.--An individual who violates section
26 8903 (relating to confidentiality) commits a misdemeanor of the
27 first degree.

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