

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION  
SFN 2053 (2/85) 5M



ROLL NUMBER
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DESCRIPTION

1132

2007 HOUSE JUDICIARY

HB 1132

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1132

House Judiciary Committee

Check here for Conference Committee

Hearing Date: 1/9/07

Recorder Job Number: 819 (0-1)

Committee Clerk Signature *Deann Penrose*

Minutes:

**Chairman DeKrey:** The hearing on HB 1132 will be rescheduled to 1/17/07 because the State Health Department cannot be here today there isn't anyone to introduce the bill. Is there anyone who wishes to testify for or against. We will recess the hearing.

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1132

House Judiciary Committee

Check here for Conference Committee

Hearing Date: 1/17/07

Recorder Job Number: 1241

Committee Clerk Signature

*Penrose*

Minutes:

**Chairman DeKrey:** We will open the hearing on HB 1132.

**Dr. Mary Ann Sens, Forensic Examiner, ND Dept. of Health:** (see attached testimony).

**Rep. Koppelman:** What problem are you trying to fix.

**Dr. Mary Ann Sens:** I will actually defer to some of the legal people. Mike Mulligan is here to handle those questions. We have to protect health information. The Dept. of Health is a covered entity, so it's limited in who we can report to. At the same time, a death of a family member is very personal, we want to facilitate these feelings and allow us to practice medicine.

**Rep. Koppelman:** You've overlooked the fact that this legislative body did speak to this issue as a policy matter relatively recently. We passed a law dealing with the current confidentiality that exists relative to autopsy reports. Why does it need to change.

**Mike Mullin, Assistant AG:** With respect to your question, it is true that the legislative assembly enacted a law making autopsy photos confidential. However, that law can be distinguished from the laws applicable to the forensic examiner as an official within the Dept. of Health. The law regarding autopsy photos, was an amendment to the open records law and that applies to autopsy photos in the possession of any public entity; whether it's the state forensic examiner, the Dept. of Health, or anyone else. Whereas, the law that we are

considering today, HB 1132, applies as introduced simply to be applied to the forensic examiner and the Dept. of Health. So the two are distinguishable. The other law that was enacted previously applies to autopsy photos in the possession of any public entity.

**Rep. Koppelman:** The forensic examiner, however, is a public official so that law would apply to the forensic examiner. What is the reason that there needs to be a different standard for that position.

**Mike Mullin:** In answer to your question, what is the problem that this legislation is trying to fix. There was some concern about the boundaries of what authority the forensic examiner had to disclose autopsy reports and to what organizations or individuals and in what situations could those records be disclosed. Following a discussion within the Dept. of Health, our office was contacted and we were asked to assist in drafting this legislation. The legislation is essentially designed to simply state that one section of the code, the authority to disclose this information, the bill as introduced is not intended to change the authority to disclose autopsy reports.

**Rep. Koppelman:** But in that initial statute was prepared, the Health Dept. was very involved with that and we worked very diligently on the legislation to deal with exactly the issues that are talking about that the intent was to make this as private as possible, but still make that information available to those who had a legitimate need to see it. What's changing here. You're saying that by putting it in this section, it's clearer.

**Mike Mullin:** As I explained, I was not involved in that legislation, but we have gone back in our office and looked at that bill, and we've looked at the original forensic examiner law, we've looked at the law that was enacted by the legislative assembly in 1999, a state law providing that protected health information in the possession of the Dept of Health is confidential and can only be disclosed for certain, specifically designated purposes. We've also looked at the

federal HIPAA law and we traced all this out. The persons and situations defined in this law, are those who are authorized to receive the autopsy reports.

**Rep. Koppelman:** But the bottom line is, does this open or close access and under what circumstances.

**Mike Mullin:** The bill as introduced, was not intended to close autopsy records any more than previously. It is intended to reflect the existing law, but define it in one place.

**Rep. Klemin:** On line 21, it says the state forensic examiner upon request shall disclose a copy of the final autopsy report. On line 12, it states that the state forensic examiner shall disclose a copy of the final autopsy, it doesn't say upon request. In fact, we're amending this to include other states and Canadian provinces. On line 12, subsection 2, disclosure, is that an automatic disclosure that they send it to, because it doesn't have the "upon request" language in here or does that need to have "upon request" in it.

**Mike Mullin:** The intent was that would be an automatic disclosure because in most cases, the forensic examiner is performing an autopsy or doing a death investigation at the request of a county coroner or at the request of the state's attorney. In other words the case is referred to them. So the expectation is that they will disclose the results of that report back to that requesting agency or person.

**Rep. Klemin:** Doesn't HIPAA already apply, regardless of this statute or any other statute that we have here.

**Mike Mullin:** The answer is yes. The state Dept of Health is a covered entity under the federal privacy rule for the privacy of health information and that does apply. There is also a state law in chapter 23-1.3 that also makes health information in the possession of a public health entity such as the public health authority, such as the Dept of Health confidential information.

**Rep. Klemin:** So do I understand that what you are trying to do here is not to change any existing law, but merely to bring it together to clarify it in one section.

**Mike Mullin:** That is correct with respect to the bill as introduced.

**Rep. Klemin:** Then with respect to the amendments, are we changing something.

**Mike Mullin:** The amendments that provide that autopsy reports in the custody of a county coroner are confidential, clarifies what I believe is existing law but it may have been understood in the past that autopsy reports in the custody of a county coroner who is not a covered entity under the HIPAA privacy rule and who is not covered by the state law that makes health information in the possession of the Dept of Health confidential, it may have been understood that those records were public records, open to disclosure. However, there is a provision in the open records law which states that if a confidential record is disclosed by a public entity to another public entity, that document remains confidential. So I think if you trace through, if you disclose a confidential autopsy report to a county coroner it remains confidential. So in that respect this bill with the amendments simply restate existing law.

**Rep. Griffin:** In regards to Rep. Klemin's question in subsection 2, would it be automatic or do you need a court order before the disclosure.

**Mike Mullin:** There may be situations where this is litigation, or some action brought in a district court to request a disclosure of an autopsy that's not within the other situations that are listed in this bill. Under the HIPAA privacy rule and also under state law, the law in chapter 23-01.3, both the federal and state law say, that you can disclose confidential health information pursuant to a court order. That's just to cover any other situation that arises.

**Rep. Onstad:** If the request is for a copy, is there a cost to get that copy.

**Mike Mullin:** I believe that when they provide the copies to the state's attorney and others that are officially delegated persons, there is no cost. It's done automatically.

**Rep. Onstad:** There is no cost to the family if they ask for it.

**Mike Mullin:** No cost to the family.

**Rep. Charging:** You stated that this doesn't expand where it needs to be disclosed to. There are agencies which the information which are covered under other laws. Is it new to century code.

**Mike Mullin:** The language is underlined under the new protocol for how bills are drafted, because this would be new language in the century code, but the content, the listed persons and situations are intended to reflect existing law, the agencies to which these reports would be disclosed.

**Rep. Charging:** So there's not one new agency listed here. We're not adding Workforce Safety?

**Mike Mullin:** The Workforce Safety law allows Workforce Safety to obtain information regarding a cause of death for workplace injuries and so on. The HIPAA privacy rule explicitly permits the disclosure of protected health information to comply with federal or state workers compensation laws. So that is not new. We haven't listed every possible agency. As Dr. Sens stated in her testimony, the bill explicitly provides that it can be disclosed to the listed agencies and if you look on page 2, line 9-10, it permits disclosure to any other federal or state agency with authority to obtain an autopsy report to investigate a death resulting from the decedent's type of injury or illness. So the bill includes a catch all phrase, so that if there are some other statutes, other agencies that are explicitly permitted to receive a copy of an autopsy report or investigation of death, that is permitted under this bill.

**Rep. Koppelman:** Are there any conflicts right now with state law and federal law via HIPAA or something else that has precipitated this.

**Mike Mullin:** No, I don't believe that there is any conflict between state and federal law. As I said, the Dept. of Health concluded that it would be desirable to try and list the authorities to disclose an autopsy report in a single section of the century code to spell it out.

**Chairman DeKrey:** Thank you. Further testimony in support. Testimony in opposition.

**Jack McDonald, ND Newspaper Association, ND Broadcasters Association:** (see attached testimony). I am opposed. I find it hard to believe some of the testimony frankly. You listen to it, this is saying that we are simply clarifying what was present law. That's simply not the case. I think Rep. Koppelman was right on. These records have been considered open records. I think that's the reason you have a bill here now, because they want to close them. Rep. Koppelman introduced a bill in 2003 that initially that would have closed the autopsy records and photos. The legislature made a specific decision at that time to simply close and make confidential the autopsy photos, but left open the issue of whether the autopsy records would be opened. They were left open at that time.

**Rep. Delmore:** Could there be a misuse of personal information by the media, in the past we have seen cases of sensationalism. Do you see that as one of the reasons for this bill.

**Jack McDonald:** Yes, there's a possibility for misuse, I guess you could say that it could be true of any open record. You should have some medical privacy. I think in this case you are talking about a deceased person's autopsy and frankly it is a person where there is some newsworthy value. We are not going in and requesting all the records. There is some reason why the record is being requested. It is not an everyday occurrence. You have to weigh the availability of real estate records, for instance. The real estate records are now on file at the county register of deeds office, county recorder's office. There is a possibility that you could misuse real estate records, you could try to cheat someone out of some land, you could change the boundaries, you could change property descriptions, there is always that possibility

but the benefit to the public may be of having the records available outweigh the risk of misuse.

**Rep. Delmore:** In the surrounding states, are the autopsy records open in SD, MN, do you know what their statutes say.

**Jack McDonald:** I'd like to get back to you on that. My information is that it is to say that they're open in MN but I don't want to say for sure.

**Rep. Boehning:** You indicated here in 11-19.1-08, we're not taking any language out of the century code. Will this bill supersede the language that is currently in law.

**Jack McDonald:** The bill as introduced will not, but I have not seen the amendment. But in hearing the description, I think they are taking that language out. I think the amendments that the forensic examiner presented to you, I believe she indicated that it's going to amend that section, so it is going to change that.

**Rep. Klemin:** I guess I haven't seen that amendment, but just looking at 11-19.1-08 that you cite in your testimony, it says at the end that the records are public records, but that doesn't mean that public records cannot also be confidential. So I'm not sure that there is a conflict, but the amendment does say that those records are confidential. We heard from previous testimony that these parties, that the state forensic examiner is subject to HIPAA already. I understand that if you're subject to HIPAA already, aren't these records already confidential under HIPAA.

**Jack McDonald:** I'm not sure about that. As I said before, when the forensic examiner's office was created in 1995, there was some concern and the bill was watched so that these records would not be confidential. There is no language in that statute that says they are confidential. I am not an expert on HIPAA; whether they are closed or not could well be. I am not going to contest with Mr. Mullen to lives and dies with it. I'm just saying that in essence

those that have been considered open records, this bill closes it. If they are closed under HIPAA, then I guess we should find that out for sure. That could well be. It was commented earlier that maybe we don't even need this bill because of HIPAA, that maybe could well be.

**Rep. Klemin:** My point is whether we do this or not, if HIPAA covers it, it's not going to be available. Unless you get it from one of these other people who are not covered by HIPAA.

**Jack McDonald:** As I said before, I understand the Health Dept in trying to clarify the law. I think the general understanding, whether it's HIPAA or anything else, these are open records now and that's why we have the bill before us.

**Rep. Meyer:** Could a member of the press or a family member witness an autopsy.

**Jack McDonald:** I'm not sure about that. I guess upon request it would be up to the person who is conducting the examination, how they conduct it and the manner in which they conduct it, and where they conduct it. I don't think there is anything in the law that talks about the access to the actual examination itself. The open meeting and open records laws talk about access to records and not to places. I guess that would be up to the forensic examiner.

**Rep. Charging:** Are some of those people that can get the report now, new.

**Jack McDonald:** I'm not sure how to answer that, because as I said before, there is nothing in the law that talks about confidentiality and who can get these records. I understood from Mr. Mullen's testimony that as a matter of procedure in the past, they have given this information to these various agencies because of the authority that the agencies had in the other law, in their own laws; like Workforce Safety says they can investigate causes of death. So they interpreted that to mean that. Yes, this is new law because it's being put in here. The physician or the hospital that treated the deceased person, I guess it's been customary at the hospital to request the information. They have a peer review or review of the causes of death that they would ask for the autopsy reports.

**Rep. Charging:** The family.

**Jack McDonald:** The family, I suspect that is new law. I don't think there is any law that talks about families getting those records. Again, if you look at vital records laws, family is one of the people that can get death certificates. I expect the Health Dept. followed the vital records law on that.

**Chairman DeKrey:** Thank you. Further testimony in opposition. We will close the hearing.

# 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1132

House Judiciary Committee

Check here for Conference Committee

Hearing Date: 1/30/07

Recorder Job Number: 2306

Committee Clerk Signature

*D. Penrose*

Minutes:

**Chairman DeKrey:** We will take a look at HB 1132.

**Rep. Klemin:** On line 8, page 1, it says a report is confidential and I suggested that really what should have been, was that it was exempt. If it is confidential you can't release it. If it's exempt, then the agency or entity can still do that.

**Rep. Griffin:** I move a Do Not Pass.

**Rep. Charging:** Second.

14 YES 0 NO 0 ABSENT

DO NOT PASS

CARRIER: Rep. Griffin

Date: 1-30-07  
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1132

House JUDICIARY Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Not Pass

Motion Made By Rep. Griffin Seconded By Rep. Charging

Representatives	Yes	No	Representatives	Yes	No
Ch. DeKrey	✓		Rep. Delmore	✓	
Rep. Klemin	✓		Rep. Griffin	✓	
Rep. Boehning	✓		Rep. Meyer	✓	
Rep. Charging	✓		Rep. Onstad	✓	
Rep. Dahl	✓		Rep. Wolf	✓	
Rep. Heller	✓				
Rep. Kingsbury	✓				
Rep. Koppelman	✓				
Rep. Kretschmar	✓				

Total (Yes) 14 No 0

Absent 0

Floor Assignment Rep. Griffin

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)  
January 30, 2007 4:40 p.m.

Module No: HR-20-1585  
Carrier: Griffin  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

**HB 1132: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO NOT PASS**  
(14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1132 was placed on the  
Eleventh order on the calendar.

2007 TESTIMONY

HB 1132

## Testimony

### House Bill 1132

#### House Judiciary Committee

January 17, 2007; 9 a.m.

#### North Dakota Department of Health

Good morning, Chairman DeKrey and members of the House Judiciary Committee. My name is Dr. Mary Ann Sens, and I am the acting state forensic examiner with the North Dakota Department of Health. I am here today to testify in support of House Bill 1132 and to offer amendments.

House Bill 1132 is a bill to clarify the persons to whom and the situations in which an autopsy report prepared by the state forensic examiner may be disclosed. The bill was introduced to address questions that arose within the Department of Health regarding the status of autopsy reports and the authority of the forensic examiner to disclose these reports.

#### Background

In 1995, a new law authorized the Department of Health to establish the office of state forensic examiner. (North Dakota Century Code Section 23-01-05.4) The state forensic examiner is required to conduct investigations into the cause of death and to perform autopsies whenever requested to do so by the local county coroner or the local state's attorney. One of the primary purposes for establishing the office of forensic examiner was to increase the investigative expertise and resources available to county coroners.

Let me explain why the records and reports of the forensic examiner are confidential, and then why the department is seeking legislation to clarify the forensic examiner's authority to disclose his or her reports. The Department of Health is a public health authority. (North Dakota Century Code Section 23-01.3-01(8)) The records of a public health authority that contain protected health information are confidential and "may be disclosed only as authorized by chapter [23-01.3] or another law of this state explicitly authorizing the disclosure of that information ...." (North Dakota Century Code Section 23-01.3-02) An autopsy report contains protected health information because it contains information about an illness or injury, or the physical condition of an individual. In addition, the Department of Health is a covered entity under the Health Insurance Portability and Accountability Act (HIPAA) privacy rule that provides: "A covered entity must comply with the requirements of the HIPAA privacy

rule with respect to the protected health information of a deceased individual.” (45 C.F.R. § 164.502(f))

The office of Attorney General provided guidance regarding the forensic examiner’s authority to disclose autopsy reports under current law, and the Department of Health is acting under that guidance. House Bill 1132 contains our recommendations regarding the persons to whom and the situations in which autopsy reports should be disclosed.

**HB 1132: Summary**

HB 1132 adds a new section to chapter 23-01 that sets forth the authority of the forensic examiner to disclose autopsy reports.

Subsection 1 provides that a final autopsy report and working papers and notes relating to a final autopsy report may be disclosed pursuant to a court order and as otherwise expressly provided by law. Generally, the final autopsy report is the only document sent to and used by states attorneys and county coroners. But there may be some circumstances in which there is a need to review working papers and other records, and subsection 1 covers that situation.

Subsection 2 provides that the state forensic examiner “shall disclose” a copy of all of a final autopsy report:

- To any county coroner with jurisdiction over the death.
- To any state’s attorney or criminal justice agency with jurisdiction over an investigation of a death.
- To Workforce Safety and Insurance if death results from a workplace injury.
- In accordance with a court order.

Subsection 3 covers situations in which the forensic examiner may disclose a final autopsy report in response to a request for the report. Under subsection 3 the forensic examiner (upon request) shall disclose a copy of autopsy report to:

- The decedent’s personal representative and to the decedent’s spouse, child, parent or sibling if there is no active criminal investigation.
- A physician or hospital that treated the deceased immediately prior to death if there is no active criminal investigation.
- An insurance company upon proof that the decedent was covered by or a beneficiary under a policy issued by the company.
- The Food and Drug Administration, the National Transportation Safety Board, the Occupational Health and Safety Administration, and any other federal or state agency with authority to obtain an autopsy report to investigate a death resulting from the decedent’s type of injury or illness.

We believe the plain meaning of the language in subsection 3 gives the forensic examiner the authority to disclose an autopsy report to:

- Organizations such as the Child Fatality Review Panel and the Committee on Protection and Advocacy if that committee has the authority to obtain records to investigate a death under Century Code section 25-01.3-08.
- Any other state or federal agency with authority to obtain an autopsy report to investigate a death.

Finally, subsection 4 states that a final autopsy report means the final report on the cause of death and manner of death issued by the state forensic examiner.

### **HB 1132: Amendments**

With the recent resignation of the state forensic examiner and my appointment as acting forensic examiner, and with a review of House Bill 1132 with the Attorney General's staff and others in the Department of Health, we concluded that the department should recommend amendments to this bill. A copy of our recommended amendments is attached.

First, we recommend an amendment to the relevant sections of the law relating to county coroners and county medical coroners so that the confidentiality of autopsy reports and their authority to disclose these reports is the same as that of the state forensic examiner. Basically, from a policy standpoint, we believe that the privacy of medical information contained in an autopsy report should be the same regardless of whether the autopsy is performed by a county medical coroner or the state forensic examiner.

Second, we recommend an amendment to permit the disclosure of an autopsy report to a county coroner in any state or Canadian province with jurisdiction over a death, and to any prosecutor or criminal justice agency in any state or Canadian province with jurisdiction to investigate a death and prosecute any criminal offense related to the death.

Third, we recommend an amendment to clarify that disclosure of an autopsy report to an insurance company is authorized when the policy covers the decedent's life.

Fourth, we recommend an amendment to permit disclosure of an autopsy report to a professional or research organization to initiate or advance death investigation standards. In effect, this is a disclosure for research purposes.

Fifth, we recommend an amendment to clarify that the term "final autopsy report" has the same meaning with respect to autopsy reports of the state forensic examiner or a county coroner.

Sixth, we recommend an amendment providing immunity to the forensic examiner or county coroner and any of their employees who in good faith disclose an autopsy report to a person who they believe is entitled to the report under the authority set forth in this bill or other law.

This concludes my testimony. I am happy to answer any questions you may have.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1132

Page 1, line 2, after "examiner" add "; and to amend section 11-19.1-11 of the North Dakota Century Code, relating to the use and disclosure of autopsy reports by a county coroner"

Page 1, after line 3, insert:

**"SECTION 1. AMENDMENT.** Section 11-19.1-11 of the North Dakota Century Code is amended and reenacted as follows:

**11-19.1-11. Coroner may perform autopsy—Notice of results.**

1. The coroner or the coroner's medical deputy, if the coroner deems it necessary, may take custody of the dead body for the purpose of autopsy. When the coroner does not deem an autopsy necessary, the sheriff and state's attorney may direct an autopsy be preformed.
2. Upon the death of a child whose cause of death is suspected by the child's parent or guardian or the coroner or the coroner's medical deputy to have been the sudden infant death syndrome, the coroner or the coroner's medical deputy, after consultation with the parent or guardian, shall take custody of the dead body and shall arrange for the performance of the autopsy by a qualified pathologist, unless the county coroner, sheriff, state's attorney, and the parent or guardian all agree that an autopsy is unnecessary. The parents or guardian and the state health officer shall be promptly notified of the results of that autopsy.
3. A final autopsy report and any working papers, notes, images, pictures, photographs or recordings in any form are confidential, but the coroner may use or disclose these materials for purposes of an investigation, inquest, or prosecution. The coroner shall disclose a copy of the final autopsy report in accordance with the authority of the state forensic examiner under section 23-01-05.5 and shall disclose an autopsy photograph or other visual image or video or audio recording subject to the limitations in section 44-04-18.18. The coroner shall also disclose a copy of the final autopsy report to the state forensic examiner.
4. Disclosure of a final autopsy report may be obtained under section 44-04-18.11."

Page 1, line 8, replace "but, subject" ". 2. Subject"

Page 1, line 10, replace "44-04-18.11" with "44-04-18.18" and after the comma, insert "any working papers and notes relating to a final autopsy report" and remove "as provided in this"

Page 1, line 11, remove "section"

Page 1, line 13, after "coroner" insert ", including a coroner in any state or Canadian province,", and after "death" insert ", and may use or disclose these materials for purposes of an investigation, inquest, or prosecution"

Page 1, line 14, after "agency" insert ", including a prosecutor or criminal justice agency of any state or Canadian province,"

Page 2, line 6, replace "decedent" with "decedent's life" and remove "or a"

Page 2, line 7, remove "beneficiary under", remove "; and"

Page 2, line 11, remove the period, and insert "; and"

Page 2, after line 11 insert:

"e. Professional or research organizations collecting data to initiate or advance death investigation standards."

Page 2, line 13, after "examiner" insert "county coroner or pathologist performing an autopsy as ordered by a county coroner"

Page 2, after line 13, insert:

"5. The forensic examiner, any county coroner or county medical coroner, and any public employee who, in good faith, discloses a report or other information relating to an autopsy report or cause of death to a person who he or she reasonably believes is entitled to that information under this section is immune from any liability, civil or criminal, for making that disclosure. For the purposes of any proceeding, the good faith of any public employee who makes a disclosure under this section is presumed."

Renumber accordingly

January 9, 2007

HOUSE JUDICIARY COMMITTEE  
HB 1132

CHAIRMAN DEKREY AND COMMITTEE MEMBERS:

My name is Jack McDonald. I'm appearing here today on behalf of the North Dakota Newspaper Association and the North Dakota Broadcasters Association. We oppose this bill. It's a solution looking for a problem.

These records have been open records since the early 1900s. I'm not aware of there ever having been a problem or a controversy regarding their use. Reporters use the records in controversial cases to verify cause of death and other circumstances.

In 2003 this body considered autopsy records and decided that autopsy photos should be confidential. However, it decided to keep autopsy records as open records. I'm not sure what has changed that thinking.

Section 11-19-17 was enacted in 1895. By requiring the coroner's records to be recorded, it made sure they remained public records.

**§ 11-19-17. Filing of coroner proceedings.** The recorder, unless the board of county commissioners designates a different official, shall file, index, and enter the proceedings of the coroner in a book kept for that purpose.

The 1955 Legislature revised the laws concerning coroners, and they have stayed pretty much the same since. That law too made sure the records remained public.

**§ 11-19.1-08. Records of coroner's office.** It is the duty of the coroner to keep a full and complete record and to fill in the cause of death upon the death certificate in all cases coming under the coroner's jurisdiction. All records must be kept in the office of the coroner, if the coroner maintains an office as coroner, and if the coroner maintains no separate office, then in the office of the recorder of the county, unless the board of county commissioners designates a different official, and must be properly indexed, stating the name, if known, of every deceased person, the place where the body was found, date of death, cause of death, and all other available information required by this chapter. The report of the coroner and the detailed findings of the autopsy, if one was performed, must be attached to the report of every case. The coroner shall promptly deliver or cause to be delivered to the state's attorney of the county in which a death occurred copies of all necessary records relating to every death in which the coroner or state's attorney determines further investigation advisable. The sheriff of the county, the police of the city, or the state highway patrolmen on duty in that county in which the death occurred may be requested to furnish more information or make further investigation by the coroner or the coroner's deputy. The state's attorney may obtain from the office of the coroner copies of records and other information necessary for further investigation. All records of the coroner shall become and remain the property of the county and are public records!

We ask that you keep these records open and respectfully request a DO NOT PASS. If you have any questions, I will be happy to try to answer them. THANK YOU FOR YOUR TIME AND CONSIDERATION.