

Introduced by

Senators Bekkedahl, Laffen, D. Larson

Representatives Hatlestad, Howe, Sukut

1 A BILL for an Act to amend and reenact subsection 2 of section 23-01-05.5 of the North Dakota
2 Century Code, relating to providing notification of the report of death to the next of kin of the
3 deceased.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Subsection 2 of section 23-01-05.5 of the North Dakota
6 Century Code is amended and reenacted as follows:

7 2. An autopsy report and any working papers and notes relating to an autopsy report are
8 confidential and may be disclosed only as permitted by this section. The report of
9 death is becomes a public record ~~subject to disclosure under section 44-04-18.~~
10 ~~However, the state forensic examiner or the examiner's designee, a county coroner, or~~
11 ~~a pathologist who performed an autopsy ordered by the county coroner or state~~
12 ~~forensic examiner shall notify immediately the decedent's next of kin of the report of~~
13 ~~death. The notification may be made through any appropriate means, and a record of~~
14 ~~the notification must be made. The notification must precede any public disclosure of~~
15 ~~the report of death unless three or more documented attempts to notify the next of kin~~
16 ~~over a seventy-two hour period have been unsuccessful, in which case the report of~~
17 ~~death may be disclosed as permitted by law~~ after the deceased's next of kin is notified,
18 or fourteen days have elapsed since the time the report of death was completed,
19 whichever occurs first. The next of kin is responsible for providing to the state forensic
20 examiner or the examiner's designee satisfactory proof of relationship to the deceased
21 and contact information for notification of the autopsy results. The state forensic
22 examiner or the examiner's designee shall make a good faith effort to notify the next of
23 kin using the provided contact information within seventy-two hours after the report of
24 death is completed.