

Sixty-fifth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2264

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.~~ for an Act to amend and reenact subsection 2 of section 23-01-05.5 of the North
4 Dakota Century Code, relating to providing notification of the report of death to the next of kin or
5 authorized representative of the deceased.

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

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

9 ~~— 2. An autopsy report and any working papers and notes relating to an autopsy report~~
10 ~~are confidential and may be disclosed only as permitted by this section. The report of~~
11 ~~death is becomes a public record subject to disclosure under section 44-04-18 after the~~
12 ~~deceased's next of kin is notified, or fourteen days have elapsed since the time the~~
13 ~~report of death was completed, whichever occurs first. The next of kin is responsible~~
14 ~~for providing to the state forensic examiner or the examiner's designee satisfactory~~
15 ~~proof of relationship to the deceased and contact information for notification of the~~
16 ~~autopsy results. The state forensic examiner or the examiner's designee shall make a~~
17 ~~good faith effort to notify the next of kin using the provided contact information within~~
18 ~~seventy-two hours after the report of death is completed.~~

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

21 2. An autopsy report and any working papers and notes relating to an autopsy report are
22 confidential and may be disclosed only as permitted by this section. The report of
23 death is a public record subject to disclosure under section 44-04-18 as follows:

- 1 a. The next of kin or authorized representative requesting the autopsy results is
2 responsible for providing to the state forensic examiner or the examiner's
3 designee satisfactory proof of relationship to the deceased and contact
4 information for notification of the autopsy results.
- 5 b. When in receipt of the information in subdivision a, the state forensic examiner,
6 examiner's designee, county coroner, or pathologist who performed the autopsy
7 shall make a good faith effort to immediately notify the decedent's next of kin or
8 authorized representative of the availability of the report of death. The notification
9 or attempts to notify the next of kin or authorized representative must be
10 recorded and must precede any public disclosure of the report of death.
- 11 c. The report of death becomes a public record four days following the notification
12 of or attempts to notify the next of kin or authorized representative, whether
13 verbal or written. If no next of kin or authorized representative can be found, the
14 report of death may be disclosed.