

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Human Services to which was referred Senate Bill No.  
3 210 entitled “An act relating to access to autopsy reports” respectfully reports  
4 that it has considered the same and recommends that the House propose to the  
5 Senate that the bill be amended in Sec. 1, 18 V.S.A. § 505, in subsection (b),  
6 by striking out subdivision (2) in its entirety and inserting in lieu thereof a new  
7 subdivision (2) to read as follows:

8 (2)(A) An individual who is not authorized to receive the autopsy report  
9 pursuant to subdivision (1) of this subsection (b) may petition the Probate  
10 Division of the Superior Court for a copy of the autopsy report. The petition  
11 shall contain an affidavit attesting to the petitioner’s relationship to the  
12 decedent and the reason the petitioner is seeking the autopsy report. The  
13 petitioner shall notify the Office of the Chief Medical Examiner and the State’s  
14 Attorney of the county in which the death occurred within five days after filing  
15 the petition. The Office and the State’s Attorney shall have an opportunity to  
16 respond within 14 days after notice. If the Superior Court finds that the  
17 petitioner has demonstrated good cause for the petitioner to obtain the autopsy  
18 report, it shall order the Office of the Chief Medical Examiner to provide a  
19 copy to the petitioner, in whole or in part, and may place restrictions on the  
20 petitioner’s dissemination of the copy provided.

1                   (B) In determining good cause under subdivision (A) of this  
2                   subdivision (b)(2), the Superior Court shall consider:

3                   (i) the relationship of the petitioner to the decedent and decedent’s  
4                   family;

5                   (ii) whether the disclosure is necessary for the public evaluation of  
6                   governmental performance;

7                   (iii) the seriousness of intrusion into the decedent and decedent  
8                   family’s privacy;

9                   (iv) whether the disclosure is by the least intrusive means  
10                  available, including whether and to what degree redaction of some portions of  
11                  the autopsy report is appropriate;

12                  (v) the availability of similar information in other public records  
13                  regardless of form; and

14                  (vi) whether the disclosure interferes with an ongoing criminal  
15                  investigation.

16                  (C) Nothing in this subdivision (2) shall prohibit a petitioner from  
17                  refiling a petition for a copy of an autopsy report upon a material change in  
18                  information.

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3 (Committee vote: \_\_\_\_\_)

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Representative \_\_\_\_\_

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FOR THE COMMITTEE