

1 TO THE HONORABLE SENATE:

2 The Committee on Health and Welfare to which was referred Senate Bill  
3 No. 210 entitled “An act relating to access to autopsy reports” respectfully  
4 reports that it has considered the same and recommends that the bill be  
5 amended in Sec. 1, 18 V.S.A. § 505, in subsection (b), by striking out  
6 subdivision (2) in its entirety and inserting in lieu thereof a new subdivision (2)  
7 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, and the State’s Attorney does not object, it shall order the Office of the  
19 Chief Medical Examiner to provide a copy to the petitioner, in whole or in  
20 part, and may place restrictions on the petitioner’s dissemination of the copy  
21 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; and

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

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18                  (Committee vote: \_\_\_\_\_)

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Senator \_\_\_\_\_

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FOR THE COMMITTEE