

The House Committee on Judiciary offered the following substitute to SB 110:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 45-16-27 of the Official Code of Georgia Annotated, relating to  
2 coroner inquests, so as to provide for subpoenas by medical examiners from the office of  
3 chief medical examiner and for confidentiality and costs; to include certain medical records;  
4 to exempt autopsy photographs from public disclosure required under Article 4 of Chapter  
5 18 of Title 50; to provide for exceptions; to define a term; to authorize a superior court to  
6 order the disclosure of such photographs; to provide for an effective date; to repeal  
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 SECTION 1.

10 Code Section 45-16-27 of the Official Code of Georgia Annotated, relating to coroner  
11 inquests, is amended by striking subsection (c) and inserting in its place new subsections (c)  
12 and (d) to read as follows:

13 "(c) When a coroner or a medical examiner or a medical examiner from the office of chief  
14 medical examiner, as established in Code Section 35-3-153, conducts an investigation into  
15 the death of an individual, the coroner, ~~or~~ medical examiner, or medical examiner from the  
16 office of chief medical examiner shall be authorized to issue subpoenas to compel the  
17 production of any books, records, including but not limited to medical records from  
18 hospitals, medical clinics, psychiatric hospitals, physicians' offices, chiropractors' offices,  
19 and any other health care delivery facility, or papers relevant to the cause of death  
20 including without limitation AIDS confidential information as defined by Code Section  
21 31-22-9.1. Any books, records, or papers received by the coroner, ~~or~~ medical examiner,  
22 or medical examiner from the office of chief medical examiner pursuant to the subpoena  
23 must be regarded as confidential information and privileged and not subject to disclosure  
24 under Article 4 of Chapter 18 of Title 50. The actual costs of copying any books, records,  
25 or papers for the purposes of responding to a subpoena under this subsection shall be paid  
26 out of county funds to the person or entity required to respond to that subpoena, and the

governing authority of the county of which that coroner or county medical examiner is a public officer shall pay those costs within 30 days after a bill therefor is submitted to the county. A medical examiner from the office of chief medical examiner shall pay the costs of copying from state funds within 30 days after a bill therefor is submitted to the state.

(d) Autopsy photographs shall not be subject to disclosure pursuant to Article 4 of Chapter 18 of Title 50; provided, however, that this subsection shall have no application to the disclosure of such photographs to law enforcement agencies and prosecutors for law enforcement purposes or, in closed criminal investigations, to medical schools, medical facilities, and physicians for medical purposes; to individuals who have secured a written release from the deceased's next of kin; or to the next of kin. It shall be the responsibility of the next of kin to show proof of the familial relationship. For purposes of securing a written release or when access to the photographs is requested by the next of kin, the deceased's next of kin shall be:

(1) The spouse of the deceased if living;

(2) If there is no living spouse of the deceased, an adult child of the deceased;

(3) If there is no living spouse or adult child, a parent of the deceased;

(4) If there is no living spouse, adult child, or parent, a sibling of the deceased;

(5) If there is no living spouse, adult child, parent, or sibling of the deceased, a grandparent of the deceased;

(6) If none of the above are living, an uncle of the deceased;

(7) If none of the above are living, an aunt of the deceased; or

(8) If none of the above are living, a first cousin of the deceased.

A superior court may, in closed criminal investigations, order the disclosure of such photographs upon findings in writing that disclosure is in the public interest and that it outweighs any privacy interest that may be asserted by the deceased's next of kin. In any such action, the court shall review the photographs in question in camera, and may condition any disclosure on such measures as the court may deem necessary to accommodate the interests of the parties before it."

## **SECTION 2.**

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

## **SECTION 3.**

All laws and parts of laws in conflict with this Act are repealed.