

Senate Bill 110

By: Senators Thompson of the 33rd and Tanksley of the 32nd

AS PASSED

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

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

5 (d) Autopsy photographs shall not be subject to disclosure pursuant to Article 4 of Chapter
 6 18 of Title 50; provided, however, that this subsection shall have no application to the
 7 disclosure of such photographs to law enforcement agencies and prosecutors for law
 8 enforcement purposes or, in closed criminal investigations, to medical schools, medical
 9 facilities, and physicians for medical purposes; to individuals who have secured a written
 10 release from the deceased's next of kin; or to the next of kin. It shall be the responsibility
 11 of the next of kin to show proof of the familial relationship. For purposes of securing a
 12 written release or when access to the photographs is requested by the next of kin, the
 13 deceased's next of kin shall be:

14 (1) The spouse of the deceased if living;

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

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

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

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

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

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

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

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

29 SECTION 2.

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

32 SECTION 3.

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