

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 297 Session of 2015

INTRODUCED BY EVANKOVICH, COHEN, KNOWLES, READSHAW, DAVIS, WATSON, TOPPER, A. HARRIS, DEASY, MCGINNIS, MILLARD, GRELL, SAYLOR, O'NEILL, MURT, GABLER, ROEBUCK, RAVENSTAHL AND KORTZ, FEBRUARY 2, 2015

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, MARCH 31, 2015

AN ACT

1 Providing for release of information by coroners and medical
2 examiners.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Release of
7 Coroner and Medical Examiner Information Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall
10 have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "County." A county of the first class, second class, second
13 class A, third class, fourth class, fifth class, sixth class,
14 seventh class or eighth class, including a county within which
15 is located a city of the first class or with which a city of the
16 first class is coextensive.

1 Section 3. Investigation information.

2 (a) General rule.--Notwithstanding the act of February 14,
3 2008 (P.L.6, No.3), known as the Right-to-Know Law, and except
4 as provided in subsection (b), the following apply to public
5 release of information by a coroner or medical examiner:

6 (1) Following an investigation by a coroner or medical
7 examiner to determine the cause of any death in this
8 Commonwealth, the coroner or medical examiner shall not
9 release to the public the name of the deceased or the cause
10 and manner of death unless the release is in accordance with
11 the requirements under paragraph (2).

12 (2) Release of the information under paragraph (1) may
13 not occur until either notification of the next of kin of the
14 deceased individual is confirmed or 72 hours have elapsed
15 following the determination of the identity of the deceased
16 individual or the cause and manner of the death, whichever
17 occurs first.

18 (b) Public health emergencies.--Notwithstanding the
19 provisions of subsection (a), a coroner or medical examiner may
20 release to the public the name of the deceased and the cause and
21 manner of death at any time if the coroner or medical examiner
22 determines that the release is necessary to avert a public
23 health emergency.

24 SECTION 4. LIMITATION OF LIABILITY. <--

25 (A) GENERAL RULE.--A CORONER OR MEDICAL EXAMINER WHO ACTS IN
26 GOOD FAITH IN ACCORDANCE WITH THE PROVISIONS OF THIS ACT SHALL
27 NOT BE SUBJECT TO CRIMINAL OR CIVIL LIABILITY ARISING FROM ANY
28 ACTION UNDER THIS ACT.

29 (B) NONAPPLICABILITY.--THE IMMUNITY PROVIDED BY SUBSECTION
30 (A) SHALL NOT APPLY TO ACTS OF GROSS NEGLIGENCE OR RECKLESSNESS.

1 SECTION 5. CONSTRUCTION.

2 NOTHING IN THIS ACT SHALL BE CONSTRUED TO PROHIBIT A CORONER
3 OR MEDICAL EXAMINER FROM RELEASING INFORMATION TO THE PUBLIC IF
4 THE IDENTITY OF THE DECEASED OR THE NEXT OF KIN IS UNKNOWN AND:

5 (1) THE INFORMATION IS NECESSARY TO FIND THE NEXT OF KIN
6 FOR PURPOSE OF NOTIFICATION UNDER SECTION 3.

7 (2) THE INFORMATION CONSISTS ONLY OF THE FOLLOWING:

8 (I) GENDER.

9 (II) RACE.

10 (III) AGE.

11 (IV) DATE THE DECEASED WAS FOUND.

12 (V) SKETCH.

13 (VI) ANY INFORMATION THE CORONER AND MEDICAL
14 EXAMINER DEEM NECESSARY.

15 (3) THE INFORMATION DOES NOT JEOPARDIZE AN OFFICIAL
16 INVESTIGATION.

17 (4) THE INFORMATION IS NOT PRIVILEGED OR CONFIDENTIAL
18 UNDER THE LAWS OF THIS COMMONWEALTH OR PURSUANT TO COURT
19 ORDER.

20 Section ~~4~~ 6. Applicability.

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21 This act shall apply in each county of this Commonwealth.

22 Section ~~5~~ 7. Effective date.

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23 This act shall take effect in 60 days.