

By: Representative Fleming

To: Public Health and Human  
Services; Judiciary B

## HOUSE BILL NO. 692

1 AN ACT TO CREATE A NEW SECTION TO BE CODIFIED AS SECTION  
2 41-61-73, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE FINDINGS  
3 AND CONCLUSIONS OF THE MEDICAL EXAMINER IN DEATH INVESTIGATIONS  
4 SHALL BE REDUCED TO A WRITTEN REPORT AND FILED WITH THE CIRCUIT  
5 CLERK OF THE COUNTY OF ORIGINAL JURISDICTION AND SHALL BE KEPT IN  
6 A CONFIDENTIAL FILE; TO PROVIDE THAT ACCESS TO THIS FILE MAY ONLY  
7 BE GRANTED UPON WRITTEN ORDER OF THE CIRCUIT JUDGE OF THE COUNTY  
8 IN WHICH THE FILE IS LOCATED; TO PROVIDE THAT REPORTS OF  
9 INVESTIGATIONS, EXAMINATIONS AND AUTOPSIES MADE BY A MEDICAL  
10 EXAMINER SHALL BE ADMISSIBLE IN EVIDENCE IN ANY STATE COURT; TO  
11 PROVIDE THAT ALL RECORDS AND REPORTS CONCERNING A DEATH  
12 INVESTIGATED BY A MEDICAL EXAMINER ARE NOT PUBLIC RECORDS; TO  
13 PROVIDE THAT THOSE RECORDS AND REPORTS SHALL BE MADE AVAILABLE TO  
14 CERTAIN PERSONS UPON REQUEST; AND FOR RELATED PURPOSES.

15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

16 **SECTION 1.** The following shall be codified as Section  
17 41-61-73, Mississippi Code of 1972:

18 41-61-73. (1) The findings and conclusions of the medical  
19 examiner as a result of the application of Section 41-61-63 shall  
20 be reduced to a written report to be filed with the circuit clerk  
21 of the county of original jurisdiction and shall be kept in a  
22 confidential file. Access to this file may only be granted upon  
23 written order of the circuit judge of the county in which the file  
24 is located. Unauthorized use of or access to this confidential  
25 file shall constitute a misdemeanor, which may be punished in the  
26 manner prescribed by law.

27 (2) Reports of investigations, examinations and autopsies  
28 made under Sections 41-61-51 through 41-61-79, and transcripts or  
29 copies thereof certified by the author of such or certified by the  
30 State Medical Examiner, shall be admissible in evidence in any  
31 court of this state.

32 (3) Except as otherwise provided in this subsection, all  
33 records, reports, transcripts and copies thereof that are made

34 under the provisions of Sections 41-61-51 through 41-61-79 are not  
35 public records as defined and addressed by the Mississippi Public  
36 Records Act of 1983, and access to such may only be had as  
37 provided in this section. Any such records, reports, transcripts  
38 and copies thereof concerning a death investigated by the medical  
39 examiner shall be made available, upon request, to any law  
40 enforcement agency, prosecuting attorney, grand jury or court  
41 involved in any case regarding that particular death, and to any  
42 attorney representing the family or estate of the decedent, in  
43 accordance with the procedures of the Mississippi Public Records  
44 Act of 1983.

45       **SECTION 2.** This act shall take effect and be in force from  
46 and after July 1, 2004.