

By: Representative Fleming

To: Public Health and Human Services; Judiciary B

HOUSE BILL NO. 164

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, 2005.