

By: Representatives Bain, Shanks, Calvert,
Smith, Horne, Ford (73rd)

To: Judiciary B

HOUSE BILL NO. 70
(As Sent to Governor)

1 AN ACT TO ENACT "CHRISTIAN'S LAW"; TO CODIFY NEW SECTION
2 41-61-66, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE
3 CONFIDENTIALITY OF AUTOPSY MEDIA RECORDS HELD BY A MEDICAL
4 EXAMINER; TO DEFINE TERMS; TO PROVIDE EXCEPTIONS UNDER CERTAIN
5 CIRCUMSTANCES, INCLUDING FOR THE DECEASED'S SURVIVING RELATIVES,
6 FOR LOCAL GOVERNMENTAL ENTITIES, FOR CRIMINAL OR ADMINISTRATIVE
7 PROCEEDINGS, AND FOR EDUCATIONAL PURPOSES; TO AUTHORIZE COURTS TO
8 ALLOW ANY PERSON TO VIEW SUCH RECORDS UPON A DEMONSTRATION OF GOOD
9 CAUSE; TO PROVIDE CRIMINAL PENALTIES FOR WILLFUL VIOLATION OF A
10 COURT ORDER; TO PROVIDE CRIMINAL PENALTIES FOR VIOLATION OF THIS
11 SECTION BY A CUSTODIAN OF AUTOPSY MEDIA RECORDS; TO PROVIDE THAT
12 THIS SECTION SHALL NOT PREVENT CERTAIN DISCLOSURES; AND FOR
13 RELATED PURPOSES.

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

15 **SECTION 1.** The following shall be codified as Section
16 41-61-66, Mississippi Code of 1972:

17 41-61-66. (1) This section shall be referred to and may be
18 cited as "Christian's Law."

19 (2) For the purposes of this section:

20 (a) "Surviving relative" means:

21 (i) The surviving spouse of the deceased;

22 (ii) If there is no surviving spouse, the
23 surviving parents of the deceased;



(iii) If there is no surviving spouse or parent,
the surviving adult children of the deceased; or

(iv) If there is no surviving spouse, parent or
adult children, the next of kin of the deceased.

(b) "Autopsy media records" means:

(i) A photograph or video or audio recording of an
autopsy; and

(ii) A photograph or video or audio recording of
the crime scene taken by or used by the coroner or the medical
examiner.

(3) Autopsy media records are confidential subject to the
provisions of this section. The custodian of the autopsy medical
records, or his or her designee, may not permit any person or
entity, unless authorized by this section or court order pursuant
to this section, to access autopsy media records. In all cases,
the viewing, copying, listening to and/or other handling of
autopsy media records must be under the direct supervision of the
custodian of the record or his or her designee.

(4) (a) A surviving relative, or the surviving relative's
designee, may view, listen to, and/or copy autopsy media records;

(b) A local governmental entity, or a state or federal
agency, in furtherance of its official duties, pursuant to a
written request, may view, listen to, copy and/or disclose autopsy
media records. Unless otherwise required in the performance of
the duties of the local governmental entity, the identity of the



deceased shall remain confidential and exempt under this paragraph;

(c) A criminal or administrative proceeding is exempt from this section. This section does not prohibit a court in a criminal or administrative proceeding upon good cause shown from restricting or otherwise controlling the disclosure of an autopsy, crime scene, or similar photograph or video or audio recordings in the manner prescribed herein;

(d) A coroner or a medical examiner, and his or her designee, or a medical physician, and his or her designee, in lawful possession of autopsy media records may use autopsy media records for educational purposes as long as:

(i) Personal information identifying the decedent, including name, address, social security number, case and/or medical record number and any other uniquely identifying features, is redacted and expunged from the autopsy records; and

(ii) Facial identity of the deceased is rendered as anonymous as reasonably possible.

For the purposes of this paragraph, "educational purposes" include, but are not limited to, medical or scientific teaching or training purposes, teaching or training law enforcement personnel, teaching or training of attorneys or others with a bona fide professional need to use or understand forensic science, conferring with medical or scientific experts in the field of



73 forensic science, publication in a scientific or medical journal
74 or textbook.

75 (5) (a) A court, upon a showing of good cause, may:

76 (i) Issue an order authorizing any person to view,
77 listen to, and/or copy an autopsy media record; and

78 (ii) May prescribe any restrictions or
79 stipulations that the court deems appropriate.

80 (b) In determining good cause, a court shall consider
81 whether such disclosure is necessary for the public evaluation of
82 governmental performance; the seriousness of the intrusion into
83 the family's right to privacy and whether such disclosure is the
84 least intrusive means available; and the availability of similar
85 information in other public records, regardless of form.

86 (c) A surviving relative shall be given:

87 (i) Reasonable notice of a petition filed with a
88 court to view, listen to, and/or copy an autopsy media record;

89 (ii) A copy of such petition; and

90 (iii) Reasonable notice of the opportunity to be
91 present and heard at any hearing on the matter.

92 (d) Any person who willfully and knowingly violates a
93 court order issued pursuant to this section commits a felony
94 punishable upon conviction by one-year imprisonment in the State
95 Penitentiary or a fine of Ten Thousand Dollars (\$10,000.00), or
96 both.



97 (6) Any custodian of an autopsy media record who willfully
98 and knowingly violates this section commits a felony punishable
99 upon conviction by one-year imprisonment in the State Penitentiary
100 or a fine of Ten Thousand Dollars (\$10,000.00), or both.

101 (7) Nothing in this section shall:

102 (a) Prevent the disclosure of confidential victim
103 communications by any governmental or private participant of a
104 meeting of a multidisciplinary child protection team created under
105 Section 43-15-51.

106 (b) Prevent an advocate from a governmental
107 organization from sharing victim information with necessary
108 persons to accomplish the duties of the job or to satisfy
109 statutory or constitutional requirements of disclosure.

110 (8) This section shall not be construed as creating a cause
111 of action for damages against the state or any of its agencies,
112 officials, employees or political subdivisions.

113 **SECTION 2.** This act shall take effect and be in force from
114 and after July 1, 2021.

