

52:17B-88

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 52:17B-88

(Autopsies--
requires medical
examiner to give
copies to
survivors)

LAWS OF: 1989

CHAPTER: 323

Bill No: A988

Sponsor(s): Cooper

Date Introduced: Pre-filed

Committee: Assembly: County & Regional Authorities

Senate: Institutions, Health & Welfare

Amended during passage: Yes Amendments during passage
denoted by asterisks.

Date of Passage: Assembly: March 21, 1989

Senate: January 8, 1990

Date of Approval: January 12, 1990

Following statements are attached if available:

Sponsor statement: Yes (Below)

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: Yes

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

(over)

Sponsor's Statement:

This bill requires county medical examiners, in cases where autopsies have been performed, to furnish certain survivors of a decedent with a copy of the autopsy report within 45 days of the receipt of a request for the report, unless the death is under investigation by a law enforcement agency.

KBG/SLJ

[FIRST REPRINT]
ASSEMBLY, No. 988

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STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1988 SESSION

By Assemblywoman COOPER

1 AN ACT requiring the furnishing of autopsy reports to certain
persons and amending P.L.1967, c.234.

3

BE IT ENACTED *by the Senate and General Assembly of the*
5 *State of New Jersey:*

1. Section 11 of P.L.1967, c.234 (C.52:17B-88) is amended to
7 read as follows:

11. If the cause of such death shall be established beyond a
9 reasonable doubt, the county medical examiner shall reduce his
findings to writing and promptly make a full report thereof to
11 the State Medical Examiner and to the county prosecutor on
forms to be prescribed by the State Medical Examiner for such
13 purpose. If, however, in the opinion of the county medical
examiner, the State Medical Examiner, an assignment judge of
15 the Superior Court, the county prosecutor or the Attorney
General, an autopsy is necessary, or if, in cases where the
17 suspected cause of death is sudden infant death syndrome and an
investigation has been conducted under the provisions of section
19 9 of this act, and the parent, parents or legal guardian of the
child request an autopsy, the same shall be performed by (1) the
21 State Medical Examiner, or an assistant designated by him or by
(2) the county medical examiner or a deputy or assistant county
23 medical examiner provided either has the recognized training or
experience in forensic pathology or by (3) such competent
25 forensic pathologists as may be authorized by the State Medical
Examiner. A detailed description of the findings written during
27 the progress of such autopsy, and the conclusions drawn
therefrom shall thereupon be filed in the offices of the State
29 Medical Examiner, the county medical examiner and the county
prosecutor~~], and where].~~ The county medical examiner shall
31 make available a copy of these findings and conclusions to ¹[any
member] the closest surviving relative¹ of the ¹[decedent's
33 immediate family] decedent¹ within ¹[45] 90¹ days of "

EXPLANATION--Matter enclosed in bold-faced brackets [¹ above bill is not enacted and is intended to be omitted in

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted.

¹ Senate SIH committee amendments adopted September 19,

1 receipt of a request therefor, unless the death is under active
2 investigation by a law enforcement agency. ¹[For purposes of
3 this section, "immediate family" means the decedent's spouse;
4 parent; grandparent; child, grandchild or sibling at or over the
5 age of majority; or the guardian of the decedent's minor child,
6 grandchild or sibling.]¹ Where the suspected cause of death of a
7 child under three years of age is sudden infant death syndrome,
8 the findings and conclusions shall be reported to the State
9 Department of Health within 48 hours after the death of the
10 child. [A copy of the findings and conclusions shall be made
11 available to the parents or legal guardian of the child, upon
12 request.] It shall be the duty of any county medical examiner to
13 call upon the State Medical Examiner or an assistant State
14 medical examiner, or other person authorized and designated by
15 the State Medical Examiner, to make an examination or perform
16 an autopsy whenever he deems it necessary or desirable, and it
17 shall be the duty of the State Medical Examiner or assistant
18 State medical examiner to perform such examination, except in
19 such cases as a competent pathologist is so authorized by the
20 State Medical Examiner to perform such autopsy. The necessary
21 expenses for transportation of a body for autopsy by the State
22 Medical Examiner or an assistant State medical examiner or an
23 authorized pathologist and such reasonable fee payable to the
24 authorized pathologist as has been approved by the State
25 Medical Examiner for each autopsy such authorized pathologist
26 may perform shall be paid by the State.

27 (cf: P.L.1980, c.167, s.2)

28 2. This act shall take effect immediately.

29

30

PUBLIC SAFETY

Criminal Investigation and Arrest

31

32 Requires county medical examiners to supply certain survivors
33 with a copy of the autopsy report within 90 days of a request.
34
35

ASSEMBLY COUNTY GOVERNMENT
AND
REGIONAL AUTHORITIES COMMITTEE

STATEMENT TO

ASSEMBLY BILL, No. 988

STATE OF NEW JERSEY

DATED: JANUARY 28, 1988

The Assembly County Government and Regional Authorities Committee favorably reports A-988.

This bill requires county medical examiners, in cases where autopsies have been performed, to furnish certain survivors of a decedent with a copy of the autopsy report within 45 days of the receipt of a request for the report, unless the death is under investigation by a law enforcement agency.

Under current law there is no provision for the family of a deceased to receive a report of the findings and conclusions of an autopsy, except when the suspected cause of death is sudden infant death syndrome.

This bill was pre-filed for introduction in the 1988 session pending technical review. As reported the bill includes the changes required by technical review which has been performed.

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SENATE INSTITUTIONS, HEALTH AND WELFARE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 988

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with Senate committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 19, 1988

The Senate Institutions, Health and Welfare Committee favorably reports Assembly Bill No. 988 with committee amendments.

As amended by committee, this bill requires county medical examiners, in cases where autopsies have been performed, to make available to the closest surviving relative of the decedent a copy of the autopsy report. The medical examiner shall make the report available within 90 days of the receipt of a request for the report, unless the death is under active investigation by a law enforcement agency.

Under current law, there is no provision for the family of a decedent to receive a report of the findings and conclusions of an autopsy except when the suspected cause of death is sudden infant death syndrome.

The committee amended the bill on the recommendation of the Attorney General to extend the time period for providing the autopsy report from 45 to 90 days. Other committee amendments provide that the autopsy report may only be given to the closest surviving relative, rather than to any member of the decedent's immediate family, as the bill originally provided.

LEGISLATIVE FISCAL ESTIMATE TO

[SECOND REPRINT]

ASSEMBLY, No. 998

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STATE OF NEW JERSEY

DATED: October 6, 1988

Assembly Bill No. 998 of 1988, as amended, establishes an Office for Dislocated Workers in the Department of Labor. The bill directs the office to analyze, coordinate, assess and help implement the State's policies and programs for dislocated workers. An appropriation of \$500,000 is provided to operate this office over the three year pilot period. The bill also limits the existence of the office to three years.

The Department of Labor and the Office of Management and Budget have not submitted fiscal information on this bill.

Since many of the functions addressed by the bill, as well as the resources to carry them out, are already contained in the department, the Office of Legislative Services (OLS) estimates that the duties and responsibilities of the office could be carried out by two professional staff positions and one clerical position at an annual salary cost of \$100,000. It is also estimated that overhead and non-personal expenses would total approximately \$50,000 annually. The OLS notes that the Departments of Commerce, Energy and Economic Development, Education, and Higher Education would have coordination responsibilities but estimates that any associated costs could be handled by existing resources.

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.