

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 191 be amended to read as follows:

- 1 Page 6, between lines 15 and 16, begin a new paragraph and insert:
2 "**(f) Except as provided in subsection (g), the information**
3 **required to be available under subsection (a) must be completed**
4 **not later than fourteen (14) days after the completion of:**
5 **(1) the autopsy; or**
6 **(2) if applicable, any other report, including a toxicology**
7 **report, requested by the coroner as part of the coroner's**
8 **investigation;**
9 **whichever is completed last.**
10 **(g) The prosecuting attorney may petition a circuit or superior**
11 **court for an order prohibiting the coroner from publicly disclosing**
12 **the information required in subsection (a). The prosecuting**
13 **attorney shall serve a copy of the petition on the coroner.**
14 **(h) Upon receipt of a copy of the petition described in subsection**
15 **(g), the coroner shall keep the information confidential until the**
16 **court rules on the petition.**
17 **(i) The court shall grant a petition filed under subsection (g) if**
18 **the prosecuting attorney proves by a preponderance of the**
19 **evidence that public access or dissemination of the information**
20 **specified in subsection (a) would create a significant risk of harm**
21 **to the criminal investigation of the death. The court shall state in**
22 **the order the reasons for granting or denying the petition. An**
23 **order issued under this subsection must use the least restrictive**
24 **means and duration possible when restricting access to the**
25 **information. Information to which access is restricted under this**
26 **subsection is confidential.**
27 **(j) Any person may petition the court to modify or terminate an**
28 **order issued under subsection (i). The petition for modification or**
29 **termination must allege facts demonstrating that:**
30 **(1) the public interest will be served by allowing access; and**
31 **(2) access to the information specified in subsection (a) would**

1 not create a significant risk to the criminal investigation of the
2 death.
3 **The person petitioning the court for modification or termination**
4 **shall serve a copy of the petition on the prosecuting attorney and**
5 **the coroner.**
6 (k) Upon receipt of a petition for modification or termination
7 filed under subsection (j), the court may:
8 (1) summarily grant, modify, or dismiss the petition; or
9 (2) set the matter for hearing.
10 **If the court sets the matter for hearing, upon the motion of any**
11 **party or upon the court's own motion, the court may close the**
12 **hearing to the public.**
13 (l) If the person filing the petition for modification or
14 termination proves by a preponderance of the evidence that:
15 (1) the public interest will be served by allowing access; and
16 (2) access to the information specified in subsection (a) would
17 not create a significant risk to the criminal investigation of the
18 death;
19 **the court shall modify or terminate its order restricting access to**
20 **the information. In ruling on a request under this subsection, the**
21 **court shall state the court's reasons for granting or denying the**
22 **request."**
23 Page 6, line 18, after "The" insert "**coroners training board**
24 **established by IC 4-23-6.5-3, in consultation with the"**.
25 Page 6, line 18, delete "under".
26 Page 6, delete line 19.
27 Page 6, line 28, after "The" insert "**coroners training board, in**
28 **consultation with the"**.
29 Page 6, line 38, delete "Indiana law enforcement academy" and
30 insert "**coroners training board"**.
31 Page 6, line 38, delete ":".
32 Page 6, delete lines 39 through 40.
33 Page 6, line 41, delete "(2)".
34 Page 6, run in lines 38 through 41.
35 Page 7, line 8, delete "Indiana law enforcement academy" and insert
36 "**coroners training board"**.
 (Reference is to SB 191 as printed February 2, 2007.)

Senator MILLER