



Reprinted  
February 9, 2007

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## SENATE BILL No. 191

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DIGEST OF SB 191 (Updated February 8, 2007 4:04 pm - DI 104)

**Citations Affected:** IC 4-23; IC 36-2.

**Synopsis:** Coroner issues. Prohibits disturbing a body, any evidence, and the scene of death until the coroner has photographed the body and law enforcement and the coroner have finished their investigation. Requires the coroner to positively identify a dead person by one of four specified methods. Requires the coroners training board (board), in consultation with Indiana law enforcement academy, to create and offer an introductory training course and an annual training course for coroners and deputy coroners. Provides that the courses must include instruction regarding death investigation, crime scenes, and preservation of evidence at a crime scene for police and crime lab technicians. Requires the board to consult with a pathologist in creating the training courses. Requires each coroner and each deputy coroner to successfully complete: (1) the introductory training course; and (2) the annual training course. Provides that a coroner's or deputy coroner's paycheck shall be withheld for failing to successfully complete the introductory training course or the annual training course. Provides that a coroner's paycheck shall be withheld for failing to release a written report or full autopsy report. Requires certain autopsy reports to be released to certain entities. Requires specified information concerning autopsy reports to be completed and available within a specified time frame. Allows a prosecuting attorney to petition a court to prohibit a coroner from releasing specified information if the release of the information would create a significant risk of harm to the criminal investigation of the death. (The introduced version of this bill was prepared by the interim committee on criminal justice matters.)

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**Effective:** July 1, 2007.

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### Miller, Sipes

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January 23, 2007, read first time and referred to Committee on Health and Provider Services.  
February 1, 2007, amended, reported favorably — Do Pass.  
February 8, 2007, read second time, amended, ordered engrossed.

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SB 191—LS 6078/DI 107+



First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

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## SENATE BILL No. 191

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A BILL FOR AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 4-23-6.5-7 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. The board shall  
3 adopt rules under IC 4-22-2 for the following:

- 4 (1) Standards for continuing education and training for county  
5 coroners, **including education and training requirements set  
6 forth in IC 36-2-14.**  
7 (2) Mandatory training and continuing education requirements for  
8 deputy coroners, **including education and training  
9 requirements set forth in IC 36-2-14.**  
10 (3) Minimum requirements for continuing education instructors  
11 approved by the board.  
12 (4) The necessary administration of this chapter.

13 SECTION 2. IC 4-23-6.5-10 IS ADDED TO THE INDIANA CODE  
14 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY  
15 1, 2007]: **Sec. 10. The board shall consult with the Indiana law  
16 enforcement academy under IC 36-2-14-22(c)(1) concerning  
17 criminal investigations in the creation of:**

SB 191—LS 6078/DI 107+



- 1           **(1) the training course for coroners and deputy coroners**
- 2           **under IC 36-2-14-22(a); and**
- 3           **(2) the annual training course for coroners and deputy**
- 4           **coroners under IC 36-2-14-22(b).**

5           SECTION 3. IC 36-2-14-6 IS AMENDED TO READ AS  
 6           FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) Whenever the  
 7           coroner is notified that a person in the county:

- 8           (1) has died from violence;
- 9           (2) has died by casualty;
- 10          (3) has died when apparently in good health;
- 11          (4) has died in an apparently suspicious, unusual, or unnatural
- 12          manner; or
- 13          (5) has been found dead;

14           ~~he~~ **the coroner** shall, before the scene of the death is disturbed, notify  
 15           a law enforcement agency having jurisdiction in that area. The agency  
 16           shall assist the coroner in conducting an investigation of how the  
 17           person died and a medical investigation of the cause of death.

18           (b) The coroner shall file with the person in charge of interment a  
 19           coroner's certificate of death within seventy-two (72) hours after being  
 20           notified of the death. If the cause of death is not established with  
 21           reasonable certainty within seventy-two (72) hours, the coroner shall  
 22           file with the person in charge of interment a coroner's certificate of  
 23           death, with the cause of death designated as "deferred pending further  
 24           action". As soon as ~~he~~ **the coroner** determines the cause of death, the  
 25           coroner shall file a supplemental report indicating ~~his~~ **the** exact  
 26           findings with the local health officer having jurisdiction, who shall  
 27           make it part of ~~his~~ **the health officer's** official records.

28           (c) If this section applies, the body and the scene of death may not  
 29           be disturbed until:

- 30           **(1) the coroner has photographed them in the manner that most**
- 31           **fully discloses how the person died; and**
- 32           **(2) law enforcement and the coroner have finished their initial**
- 33           **assessment of the scene of death.**

34           However, a coroner or law enforcement officer may order a body to be  
 35           moved before photographs are taken if the position or location of the  
 36           body unduly interferes with activities carried on where the body is  
 37           found, but the body may not be moved from the immediate area and  
 38           must be moved without substantially destroying or altering the  
 39           evidence present.

40           (d) When acting under this section, if the coroner considers it  
 41           necessary to have an autopsy performed, is required to perform an  
 42           autopsy under subsection (f), or is requested by the prosecuting

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1 attorney of the county to perform an autopsy, the coroner shall employ  
2 a physician:

- 3 (1) certified by the American Board of Pathology; or
- 4 (2) holding an unlimited license to practice medicine in Indiana  
5 and acting under the direction of a physician certified by the  
6 American Board of Pathology;

7 to perform the autopsy. The physician performing the autopsy shall be  
8 paid a fee of at least fifty dollars (\$50) from the county treasury. A  
9 coroner may employ the services of the medical examiner system,  
10 provided for in IC 4-23-6-6, when an autopsy is required, as long as  
11 this subsection is met.

12 (e) If:

- 13 (1) at the request of:
  - 14 (A) the decedent's spouse;
  - 15 (B) a child of the decedent, if the decedent does not have a  
16 spouse;
  - 17 (C) a parent of the decedent, if the decedent does not have a  
18 spouse or children;
  - 19 (D) a brother or sister of the decedent, if the decedent does not  
20 have a spouse, children, or parents; or
  - 21 (E) a grandparent of the decedent, if the decedent does not  
22 have a spouse, children, parents, brothers, or sisters;
- 23 (2) in any death where two (2) or more witnesses who corroborate  
24 the circumstances surrounding death are present; and
- 25 (3) two (2) physicians who are licensed to practice medicine in  
26 the state and who have made separate examinations of the  
27 decedent certify the same cause of death in an affidavit within  
28 twenty-four (24) hours after death;

29 an autopsy need not be performed. The affidavits shall be filed with the  
30 circuit court clerk.

31 (f) A county coroner may not certify the cause of death in the case  
32 of the sudden and unexpected death of a child who is at least one (1)  
33 week old and not more than three (3) years old unless an autopsy is  
34 performed at county expense. However, a coroner may certify the cause  
35 of death of a child described in this subsection without the performance  
36 of an autopsy if subsection (e) applies to the death of the child.

37 SECTION 4. IC 36-2-14-6.5 IS ADDED TO THE INDIANA CODE  
38 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
39 1, 2007]: **Sec. 6.5. (a) As used in this section, "DNA analysis" means  
40 an identification process in which the unique genetic code of an  
41 individual that is carried by the individual's deoxyribonucleic acid  
42 (DNA) is compared to genetic codes carried in DNA found in bodily**

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substance samples obtained by a law enforcement agency in the exercise of the law enforcement agency's investigative function.

(b) As used in this section, "immediate family member" means, with respect to a particular dead person, an individual who is at least eighteen (18) years of age and who is one (1) of the following:

- (1) The dead person's spouse.
- (2) The dead person's child.
- (3) The dead person's parent.
- (4) The dead person's grandparent.
- (5) The dead person's sibling.

(c) The coroner shall make a positive identification of a dead person unless extraordinary circumstances described in subsection (d) exist. In making a positive identification, the coroner shall determine the identity of a dead person by one (1) of the following methods:

- (1) Fingerprint identification.
- (2) DNA analysis.
- (3) Dental record analysis.
- (4) Positive identification by at least one (1) of the dead person's immediate family members if the dead person's body is in a physical condition that would allow for the dead person to be reasonably recognized.

(d) For the purposes of subsection (c), extraordinary circumstances exist if, after a thorough investigation, the coroner determines that identification of the dead person is not possible under any of the four (4) methods described in subsection (c).

SECTION 5. IC 36-2-14-18, AS AMENDED BY P.L.141-2006, SECTION 113, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 18. (a) Notwithstanding IC 5-14-3-4(b)(1), when a coroner investigates a death, the office of the coroner is required to make available for public inspection and copying the following:

- (1) The name, age, address, sex, and race of the deceased.
- (2) The address where the dead body was found, or if there is no address the location where the dead body was found and, if different, the address where the death occurred, or if there is no address the location where the death occurred.
- (3) The name of the agency to which the death was reported and the name of the person reporting the death.
- (4) The name of any public official or governmental employee present at the scene of the death and the name of the person certifying or pronouncing the death.

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1 (5) Information regarding an autopsy (requested or performed)  
 2 limited to the date, the person who performed the autopsy, where  
 3 the autopsy was performed, and a conclusion as to:  
 4 (A) the probable cause of death;  
 5 (B) the probable manner of death; and  
 6 (C) the probable mechanism of death.  
 7 (6) The location to which the body was removed, the person  
 8 determining the location to which the body was removed, and the  
 9 authority under which the decision to remove the body was made.  
 10 (7) The records required to be filed by a coroner under section 6  
 11 of this chapter and the verdict and the written report required  
 12 under section 10 of this chapter.

13 (b) A county coroner or a coroner's deputy who receives an  
 14 investigatory record from a law enforcement agency shall treat the  
 15 investigatory record with the same confidentiality as the law  
 16 enforcement agency would treat the investigatory record.

17 (c) Notwithstanding any other provision of this section, a coroner  
 18 shall make available a full copy of an autopsy report, other than a  
 19 photograph, video recording, or audio recording of the autopsy, upon  
 20 the written request of the next of kin of the decedent or of an insurance  
 21 company investigating a claim arising from the death of the individual  
 22 upon whom the autopsy was performed. The insurance company is  
 23 prohibited from publicly disclosing any information contained in the  
 24 report beyond that information that may otherwise be disclosed by a  
 25 coroner under this section. This prohibition does not apply to  
 26 information disclosed in communications in conjunction with the  
 27 investigation, settlement, or payment of the claim.

28 (d) Notwithstanding any other provision of this section, a coroner  
 29 shall make available a full copy of an autopsy report, other than a  
 30 photograph, video recording, or audio recording of the autopsy, upon  
 31 the written request of:

- 32 (1) the director of the division of disability and rehabilitative  
 33 services established by IC 12-9-1-1;
- 34 (2) the director of the division of mental health and addiction  
 35 established by IC 12-21-1-1; or
- 36 (3) the director of the division of aging established by  
 37 IC 12-9.1-1-1;

38 in connection with a division's review of the circumstances surrounding  
 39 the death of an individual who received services from a division or  
 40 through a division at the time of the individual's death.

41 **(e) Notwithstanding any other provision of this section, a**  
 42 **coroner shall make available a full copy of an autopsy report,**

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1 including a photograph, a video recording, or an audio recording  
 2 of the autopsy, to:

3 (1) the department of child services established by  
 4 IC 31-25-1-1, including an office of the department located in  
 5 the county where the death occurred;  
 6 (2) the statewide child fatality review committee established  
 7 by IC 31-33-25-6; or  
 8 (3) a county child fatality review team or regional child  
 9 fatality review team established under IC 31-33-24-6 by the  
 10 county or for the county where the death occurred;

11 for purposes of the entities described in subdivisions (1) through  
 12 (3) conducting a review or an investigation of the circumstances  
 13 surrounding the death of a child (as defined in IC 31-9-2-13(d)(1))  
 14 and making a determination whether the death of the child was a  
 15 result of abuse, abandonment, or neglect.

16 (f) Except as provided in subsection (g), the information  
 17 required to be available under subsection (a) must be completed  
 18 not later than fourteen (14) days after the completion of:

19 (1) the autopsy; or  
 20 (2) if applicable, any other report, including a toxicology  
 21 report, requested by the coroner as part of the coroner's  
 22 investigation;  
 23 whichever is completed last.

24 (g) The prosecuting attorney may petition a circuit or superior  
 25 court for an order prohibiting the coroner from publicly disclosing  
 26 the information required in subsection (a). The prosecuting  
 27 attorney shall serve a copy of the petition on the coroner.

28 (h) Upon receipt of a copy of the petition described in subsection  
 29 (g), the coroner shall keep the information confidential until the  
 30 court rules on the petition.

31 (i) The court shall grant a petition filed under subsection (g) if  
 32 the prosecuting attorney proves by a preponderance of the  
 33 evidence that public access or dissemination of the information  
 34 specified in subsection (a) would create a significant risk of harm  
 35 to the criminal investigation of the death. The court shall state in  
 36 the order the reasons for granting or denying the petition. An  
 37 order issued under this subsection must use the least restrictive  
 38 means and duration possible when restricting access to the  
 39 information. Information to which access is restricted under this  
 40 subsection is confidential.

41 (j) Any person may petition the court to modify or terminate an  
 42 order issued under subsection (i). The petition for modification or

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1 termination must allege facts demonstrating that:

- 2 (1) the public interest will be served by allowing access; and  
 3 (2) access to the information specified in subsection (a) would  
 4 not create a significant risk to the criminal investigation of the  
 5 death.

6 The person petitioning the court for modification or termination  
 7 shall serve a copy of the petition on the prosecuting attorney and  
 8 the coroner.

9 (k) Upon receipt of a petition for modification or termination  
 10 filed under subsection (j), the court may:

- 11 (1) summarily grant, modify, or dismiss the petition; or  
 12 (2) set the matter for hearing.

13 If the court sets the matter for hearing, upon the motion of any  
 14 party or upon the court's own motion, the court may close the  
 15 hearing to the public.

16 (l) If the person filing the petition for modification or  
 17 termination proves by a preponderance of the evidence that:

- 18 (1) the public interest will be served by allowing access; and  
 19 (2) access to the information specified in subsection (a) would  
 20 not create a significant risk to the criminal investigation of the  
 21 death;

22 the court shall modify or terminate its order restricting access to  
 23 the information. In ruling on a request under this subsection, the  
 24 court shall state the court's reasons for granting or denying the  
 25 request.

26 SECTION 6. IC 36-2-14-22 IS ADDED TO THE INDIANA CODE  
 27 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 28 1, 2007]: Sec. 22. (a) The coroners training board established by  
 29 IC 4-23-6.5-3, in consultation with the Indiana law enforcement  
 30 academy, shall create and offer a training course for coroners and  
 31 deputy coroners. The training course must include:

- 32 (1) at least forty (40) hours of instruction; and  
 33 (2) instruction regarding:  
 34 (A) death investigation;  
 35 (B) crime scenes; and  
 36 (C) preservation of evidence at a crime scene for police and  
 37 crime lab technicians.

38 (b) The coroners training board, in consultation with the  
 39 Indiana law enforcement academy shall create and offer an annual  
 40 training course for coroners and deputy coroners. The annual  
 41 training course must:

- 42 (1) include at least eight (8) hours of instruction; and

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- 1           **(2) cover recent developments in:**
- 2               **(A) death investigation;**
- 3               **(B) crime scenes; and**
- 4               **(C) preservation of evidence at a crime scene for police and**
- 5               **crime lab technicians.**
- 6           **(c) In creating the courses under subsections (a) and (b), the**
- 7           **coroners training board shall consult with a pathologist certified**
- 8           **by the American Board of Pathology regarding medical issues that**
- 9           **are a part of the training courses.**
- 10           **(d) All training in the courses offered under subsections (a) and**
- 11           **(b) that involves medical issues must be provided by a pathologist**
- 12           **certified by the American Board of Pathology.**
- 13           **(e) All training in the courses offered under subsections (a) and**
- 14           **(b) that involves crime scenes and evidence preservation must be**
- 15           **provided by a law enforcement officer.**
- 16           **(f) The coroners training board shall issue a coroner or deputy**
- 17           **coroner a certificate upon successful completion of the courses**
- 18           **described in subsections (a) and (b).**
- 19           **SECTION 7. IC 36-2-14-23 IS ADDED TO THE INDIANA CODE**
- 20           **AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
- 21           **1, 2007]: Sec. 23. (a) Each coroner shall successfully complete the**
- 22           **training course offered under section 22(a) of this chapter within**
- 23           **six (6) months after taking office.**
- 24           **(b) Each deputy coroner shall successfully complete the training**
- 25           **course offered under section 22(a) of this chapter within six (6)**
- 26           **months after beginning employment with a coroner's office.**
- 27           **(c) Each coroner and each deputy coroner shall successfully**
- 28           **complete the annual training course offered under section 22(b) of**
- 29           **this chapter each year after the year in which the coroner or**
- 30           **deputy coroner received the training required by section 22(a) of**
- 31           **this chapter.**
- 32           **(d) After a coroner or deputy coroner has:**
- 33               **(1) successfully completed the training course as required**
- 34               **under subsection (a) or (b); and**
- 35               **(2) successfully completed the annual training course as**
- 36               **required under subsection (c);**
- 37           **the coroner or deputy coroner shall present a certificate or other**
- 38           **evidence to the county executive, or in the case of a county that**
- 39           **contains a consolidated city, the city-county council, that the**
- 40           **coroner or deputy coroner has successfully completed the training**
- 41           **required under subsection (a), (b), or (c).**
- 42           **(e) If a coroner or deputy coroner does not present a certificate**

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1 or other evidence to the county executive, or in the case of a county  
2 that contains a consolidated city, the city-county council, that the  
3 coroner or deputy coroner has successfully completed the training  
4 required under subsection (a), (b), or (c), the county executive or  
5 city-county council shall order the auditor to withhold the  
6 paycheck of the coroner or deputy coroner until the coroner or  
7 deputy coroner satisfies the respective training requirements under  
8 subsections (a), (b), and (c).

9 (f) If the county executive or city-county council orders an  
10 auditor to withhold a paycheck under subsection (e) and a coroner  
11 or deputy coroner later presents a certificate or other evidence to  
12 the county executive or city-county council that the coroner or  
13 deputy coroner has successfully completed training required under  
14 subsection (a), (b), or (c), the county executive or city-county  
15 council shall order the auditor to release all of the coroner's or  
16 deputy coroner's paychecks that were withheld from the coroner  
17 or deputy coroner.

18 SECTION 8. IC 36-2-14-24 IS ADDED TO THE INDIANA CODE  
19 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
20 1, 2007]: Sec. 24. (a) Except as provided in subsection (b), if a  
21 coroner does not release:

- 22 (1) a written report required under section 10 of this chapter;
- 23 or
- 24 (2) a full copy of an autopsy report required under section 18
- 25 of this chapter;

26 as required by law, the county executive, or in the case of a county  
27 containing a consolidated city, the city-county council, shall order  
28 the auditor to withhold the paycheck of the coroner until the  
29 coroner properly releases the written report or full autopsy report.

30 (b) A county auditor may not withhold the paycheck of a  
31 coroner if a coroner is legally prohibited from releasing a written  
32 report or from releasing a full autopsy report. However, a coroner  
33 is required to release a written report or full autopsy report as  
34 soon as possible after the legal prohibition on releasing the written  
35 report or full autopsy report ceases to exist.

36 (c) If the county executive or city-county council orders an  
37 auditor to withhold a paycheck under subsection (a) and a coroner  
38 properly releases the written report or full autopsy report, the  
39 county executive or city-county council shall order the auditor to  
40 release all of the coroner's paychecks that were withheld from the  
41 coroner.

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COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 191, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 28, delete ", any evidence,".

Page 2, line 33, delete "investigation" and insert **"initial assessment"**.

Page 4, between lines 26 and 27, begin a new paragraph and insert:  
"SECTION 5. IC 36-2-14-18, AS AMENDED BY P.L.141-2006, SECTION 113, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 18. (a) Notwithstanding IC 5-14-3-4(b)(1), when a coroner investigates a death, the office of the coroner is required to make available for public inspection and copying the following:

- (1) The name, age, address, sex, and race of the deceased.
- (2) The address where the dead body was found, or if there is no address the location where the dead body was found and, if different, the address where the death occurred, or if there is no address the location where the death occurred.
- (3) The name of the agency to which the death was reported and the name of the person reporting the death.
- (4) The name of any public official or governmental employee present at the scene of the death and the name of the person certifying or pronouncing the death.
- (5) Information regarding an autopsy (requested or performed) limited to the date, the person who performed the autopsy, where the autopsy was performed, and a conclusion as to:
  - (A) the probable cause of death;
  - (B) the probable manner of death; and
  - (C) the probable mechanism of death.
- (6) The location to which the body was removed, the person determining the location to which the body was removed, and the authority under which the decision to remove the body was made.
- (7) The records required to be filed by a coroner under section 6 of this chapter and the verdict and the written report required under section 10 of this chapter.

(b) A county coroner or a coroner's deputy who receives an investigatory record from a law enforcement agency shall treat the investigatory record with the same confidentiality as the law enforcement agency would treat the investigatory record.



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(c) Notwithstanding any other provision of this section, a coroner shall make available a full copy of an autopsy report, other than a photograph, video recording, or audio recording of the autopsy, upon the written request of the next of kin of the decedent or of an insurance company investigating a claim arising from the death of the individual upon whom the autopsy was performed. The insurance company is prohibited from publicly disclosing any information contained in the report beyond that information that may otherwise be disclosed by a coroner under this section. This prohibition does not apply to information disclosed in communications in conjunction with the investigation, settlement, or payment of the claim.

(d) Notwithstanding any other provision of this section, a coroner shall make available a full copy of an autopsy report, other than a photograph, video recording, or audio recording of the autopsy, upon the written request of:

- (1) the director of the division of disability and rehabilitative services established by IC 12-9-1-1;
- (2) the director of the division of mental health and addiction established by IC 12-21-1-1; or
- (3) the director of the division of aging established by IC 12-9.1-1-1;

in connection with a division's review of the circumstances surrounding the death of an individual who received services from a division or through a division at the time of the individual's death.

**(e) Notwithstanding any other provision of this section, a coroner shall make available a full copy of an autopsy report, including a photograph, a video recording, or an audio recording of the autopsy, to:**

- (1) the department of child services established by IC 31-25-1-1, including an office of the department located in the county where the death occurred;**
- (2) the statewide child fatality review committee established by IC 31-33-25-6; or**
- (3) a county child fatality review team or regional child fatality review team established under IC 31-33-24-6 by the county or for the county where the death occurred;**

**for purposes of the entities described in subdivisions (1) through (3) conducting a review or an investigation of the circumstances surrounding the death of a child (as defined in IC 31-9-2-13(d)(1)) and making a determination whether the death of the child was a result of abuse, abandonment, or neglect."**

Page 5, between lines 18 and 19, begin a new paragraph and insert:

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**"(f) The Indiana law enforcement academy shall issue a coroner or deputy coroner a certificate upon successful completion of the courses described in subsections (a) and (b)."**

Page 5, line 29, delete "." and insert **"after the year in which the coroner or deputy coroner received the training required by section 22(a) of this chapter."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 191 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 9, Nays 1.

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SENATE MOTION

Madam President: I move that Senator Sipes be added as second author of Senate Bill 191.

MILLER

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SENATE MOTION

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

Page 6, between lines 15 and 16, begin a new paragraph and insert:

**"(f) Except as provided in subsection (g), the information required to be available under subsection (a) must be completed not later than fourteen (14) days after the completion of:**

- (1) the autopsy; or**
- (2) if applicable, any other report, including a toxicology report, requested by the coroner as part of the coroner's investigation;**

**whichever is completed last.**

**(g) The prosecuting attorney may petition a circuit or superior court for an order prohibiting the coroner from publicly disclosing the information required in subsection (a). The prosecuting attorney shall serve a copy of the petition on the coroner.**

**(h) Upon receipt of a copy of the petition described in subsection (g), the coroner shall keep the information confidential until the**

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court rules on the petition.

(i) The court shall grant a petition filed under subsection (g) if the prosecuting attorney proves by a preponderance of the evidence that public access or dissemination of the information specified in subsection (a) would create a significant risk of harm to the criminal investigation of the death. The court shall state in the order the reasons for granting or denying the petition. An order issued under this subsection must use the least restrictive means and duration possible when restricting access to the information. Information to which access is restricted under this subsection is confidential.

(j) Any person may petition the court to modify or terminate an order issued under subsection (i). The petition for modification or termination must allege facts demonstrating that:

- (1) the public interest will be served by allowing access; and
- (2) access to the information specified in subsection (a) would not create a significant risk to the criminal investigation of the death.

The person petitioning the court for modification or termination shall serve a copy of the petition on the prosecuting attorney and the coroner.

(k) Upon receipt of a petition for modification or termination filed under subsection (j), the court may:

- (1) summarily grant, modify, or dismiss the petition; or
- (2) set the matter for hearing.

If the court sets the matter for hearing, upon the motion of any party or upon the court's own motion, the court may close the hearing to the public.

(l) If the person filing the petition for modification or termination proves by a preponderance of the evidence that:

- (1) the public interest will be served by allowing access; and
- (2) access to the information specified in subsection (a) would not create a significant risk to the criminal investigation of the death;

the court shall modify or terminate its order restricting access to the information. In ruling on a request under this subsection, the court shall state the court's reasons for granting or denying the request."

Page 6, line 18, after "The" insert "**coroners training board established by IC 4-23-6.5-3, in consultation with the**".

Page 6, line 18, delete "under".

Page 6, delete line 19.

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Page 6, line 28, after "The" insert "**coroners training board, in consultation with the**".

Page 6, line 38, delete "Indiana law enforcement academy" and insert "**coroners training board**".

Page 6, line 38, delete ":".

Page 6, delete lines 39 through 40.

Page 6, line 41, delete "(2)".

Page 6, run in lines 38 through 41.

Page 7, line 8, delete "Indiana law enforcement academy" and insert "**coroners training board**".

(Reference is to SB 191 as printed February 2, 2007.)

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