



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number:	LLS 24-0535	Date:	February 28, 2024
Prime Sponsors:	Rep. Winter T.; Snyder Sen. Michaelson Jenet; Gardner	Bill Status:	House Judiciary
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Bill Topic: **MINOR AUTOPSY REPORT RELEASE REQUIREMENTS**

Summary of Fiscal Impact:	<input type="checkbox"/> State Revenue	<input type="checkbox"/> State Transfer	<input checked="" type="checkbox"/> Local Government
	<input type="checkbox"/> State Expenditure	<input type="checkbox"/> TABOR Refund	<input type="checkbox"/> Statutory Public Entity

The bill prohibits autopsy reports on the death of a minor from being disclosed by the coroner to any person or entity, except in specified circumstances. It decreases county revenue and increases county workload by a minimal amount beginning in FY 2024-25.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the introduced bill.

Summary of Legislation

Under this bill, an autopsy report on the death of a minor cannot be provided by the coroner to any other person or entity, except in the following instances to:

- parents or legal guardians, if a written request is submitted along with an affidavit signed by the parent or guardian verifying their relationship to the deceased;
- any law enforcement, criminal justice agency, or district attorney that is investigating the death, or prosecuting a criminal violation, upon request from the agency;
- a party in a civil case, if the party demonstrates to the court that the autopsy report is discoverable, upon entry of an order to the court and in accordance with any protective order necessary to limit the identity of the deceased;
- counsel for the defendant, or the defendant if they are not represented for discovery in a criminal case, upon entry of an order of the court;
- local or regional child fatality prevention review teams, upon its request;
- the Department of Public Health and Environment, as necessary for the collection of data in accordance with the Colorado Violent Death Reporting System;
- the Colorado Child Fatality Review Team, upon request of the team;

- county departments of human or social services, in connection with an investigation of alleged abuse or neglect of a minor;
- the Division of Youth Services in the Department of Human Services, in connection with a state-owned or -operated facility investigation;
- a community clinic for inclusion in medical records;
- an eye bank, organ procurement organization, or tissue bank;
- a local or regional domestic violence fatality review team or the Colorado Domestic Violence Fatality Review Board, upon request of the team or board;
- the Colorado Department of Human Services, in connection with a licensed child care facility investigation;
- the Office of the Child Protection Ombudsman; or
- health care providers with an established patient-provider relationship with the deceased.

When an autopsy report for a minor is requested but not eligible for release, the coroner must not release a copy of the report but instead must provide the cause, time, place, and manner of death and the age, gender, race of the deceased minor, within 3 days of the request. A person can petition a district court to allow the person access to an autopsy report in certain circumstances.

Local Government

County coroners may charge a fee to provide a copy of an autopsy report. This fee may differ by county depending on relationship of the requester to the deceased, but is generally between \$5 and \$25. Beginning in FY 2024-25, to the extent that this bill decreases the number of autopsy reports provided on a minor, county fee revenue will decrease. This bill also increases county coroner costs and workload in FY 2024-25 only to update policies, procedures, and forms related to the requesting and release of minor autopsy reports. Workload will increase on an ongoing basis to review each request to ensure autopsy reports on a minor are only released under allowable circumstances. Overall, these impacts are assumed to be minimal.

Effective Date

The bill takes effect January 1, 2025, assuming no referendum petition is filed 90 days following adjournment of the General Assembly sine die. The bill applies to autopsy reports requested after the effective date of the bill.

State and Local Government Contacts

Counties
Judicial

County Coroners
Public Health and Environment

District Attorneys

The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).