

**Second Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO**

**ENGROSSED**

*This Version Includes All Amendments Adopted  
on Second Reading in the House of Introduction*

LLS NO. 24-0535.01 Jed Franklin x5484

**HOUSE BILL 24-1244**

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**HOUSE SPONSORSHIP**

**Winter T. and Snyder,**

**SENATE SPONSORSHIP**

**Michaelson Jenet and Gardner,**

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**House Committees**  
Judiciary

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING THE CIRCUMSTANCES UNDER WHICH AN AUTOPSY**  
102                    **REPORT PREPARED IN CONNECTION WITH THE DEATH OF A**  
103                    **MINOR MAY BE RELEASED TO CERTAIN PARTIES.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill specifies that an autopsy report prepared in connection with the death of a minor is confidential and may be disclosed by the county coroner to another person or entity only in accordance with certain exceptions.

Under the bill, the coroner or the coroner's designee may only

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing law.*  
*Dashes through the words or numbers indicate deletions from existing law.*

HOUSE  
Amended 2nd Reading  
March 22, 2024

provide a copy of the autopsy report prepared in connection with the death of a minor to:

- A parent or legal guardian of the deceased;
- A law enforcement or criminal justice agency;
- A requesting party in a civil case;
- Counsel for the defendant or the respondent for discovery purposes in a criminal case;
- A law enforcement agency that is investigating the death;
- A state, local, or regional child fatality prevention review team;
- The Colorado 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;
- A county department of human or social services;
- The division of youth services in the Colorado department of human services;
- A health-care facility where the deceased had received treatment;
- A community clinic or a treating hospital for inclusion within the medical records of the deceased;
- An eye bank, organ procurement organization, or a tissue bank;
- A local or regional domestic violence fatality review team;
- The Colorado department of human services in connection with the investigation of a fatality that has occurred within any facility licensed under the "child care licensing act";
- The office of the child protection ombudsman; or
- A health-care provider that had previously established a patient-provider relationship with the deceased.

Upon written request, the coroner shall not release a copy of the autopsy report and instead shall release the cause, time, place, and manner of the minor's death and the age, gender, and race or ethnicity of the deceased minor. This information must be released within 3 days of the request or 3 days of receiving the information, whichever is later.

Under the bill, any person may petition a district court to allow the person access to an autopsy report prepared in connection with the death of a minor. The district court shall provide access if:

- Public disclosure of the report substantially outweighs the harm to the privacy interests of the deceased and members of the family of the deceased; and
- The information sought by the petitioner is not otherwise publicly available.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 30-10-606.7 as  
3 follows:

4 **30-10-606.7. Autopsy reports - death of a minor - confidential**  
5 **- exceptions - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE  
6 CONTEXT OTHERWISE REQUIRES:

7 (a) "AUTOPSY REPORT" MEANS THE REPORT OF THE CORONER OR  
8 THE CORONER'S DESIGNEE ON THE POST-MORTEM EXAMINATION OF A  
9 DECEASED INDIVIDUAL TO DETERMINE THE CAUSE OR MANNER OF DEATH,  
10 INCLUDING ANY WRITTEN ANALYSIS, DIAGRAM, PHOTOGRAPH, OR  
11 TOXICOLOGICAL TEST RESULTS.

12 (b) "MINOR" MEANS A PERSON UNDER THE AGE OF EIGHTEEN  
13 YEARS.

14 (2) (a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN  
15 AUTOPSY REPORT PREPARED IN CONNECTION WITH THE DEATH OF A MINOR  
16 IS CONFIDENTIAL AND MAY BE DISCLOSED BY THE CORONER TO ANY OTHER  
17 PERSON OR ENTITY ONLY IN ACCORDANCE WITH THE REQUIREMENTS OF  
18 THIS SECTION.

19 (b) THE CORONER OR THE CORONER'S DESIGNEE MAY ONLY  
20 PROVIDE A COPY OF THE AUTOPSY REPORT PREPARED IN CONNECTION WITH  
21 THE DEATH OF A MINOR TO:

22 (I) A PARENT OR LEGAL GUARDIAN OF THE DECEASED IF THE  
23 PARENT OR LEGAL GUARDIAN SUBMITS A COPY OF A WRITTEN REQUEST TO  
24 THE CORONER FOR A COPY OF THE REPORT AND AN AFFIDAVIT, SIGNED BY  
25 THE PARENT OR LEGAL GUARDIAN UNDER THE PENALTY OF PERJURY,  
26 VERIFYING THE PARENT'S OR LEGAL GUARDIAN'S RELATIONSHIP TO THE  
27 DECEDENT;

1           (II) A LAW ENFORCEMENT OR CRIMINAL JUSTICE AGENCY,  
2 INCLUDING A DISTRICT ATTORNEY, THAT IS EITHER INVESTIGATING THE  
3 DEATH OR PROSECUTING A CRIMINAL VIOLATION ARISING OUT OF THE  
4 DEATH UPON THE REQUEST OF THE LAW ENFORCEMENT OR CRIMINAL  
5 JUSTICE AGENCY, INCLUDING A DISTRICT ATTORNEY;

6           (III) A REQUESTING PARTY IN A CIVIL CASE WHERE THE MOVING  
7 PARTY DEMONSTRATES TO THE COURT THAT THE AUTOPSY REPORT IS  
8 DISCOVERABLE IN ACCORDANCE WITH RULE 26 (b)(1) OF THE COLORADO  
9 RULES OF CIVIL PROCEDURE, UPON THE ENTRY OF A SPECIFIC ORDER OF THE  
10 COURT AUTHORIZING DISCLOSURE OF THE AUTOPSY REPORT, AND IN  
11 ACCORDANCE WITH ANY PROTECTIVE ORDER NECESSARY TO LIMIT  
12 DISCLOSURE OF THE IDENTITY OF THE DECEASED AND OTHER IDENTIFYING  
13 PERSONAL INFORMATION;

14           (IV) COUNSEL FOR THE DEFENDANT, OR THE DEFENDANT IF THE  
15 DEFENDANT IS NOT REPRESENTED BY COUNSEL, FOR DISCOVERY PURPOSES  
16 IN A CRIMINAL CASE UPON THE ENTRY OF A SPECIFIC ORDER OF THE COURT  
17 AUTHORIZING DISCLOSURE OF THE AUTOPSY REPORT IN ACCORDANCE WITH  
18 RULE 16 OF THE COLORADO RULES OF CRIMINAL PROCEDURE ONLY IF  
19 DISCOVERY HAS NOT OTHERWISE BEEN PROVIDED TO COUNSEL OR THE  
20 DEFENDANT AND IN ACCORDANCE WITH ANY PROTECTIVE ORDER  
21 NECESSARY TO LIMIT DISCLOSURE OF THE IDENTITY OF THE DECEASED AND  
22 OTHER PERSONALLY IDENTIFYING INFORMATION;

23           (V) A STATE CHILD FATALITY PREVENTION REVIEW TEAM  
24 ESTABLISHED PURSUANT TO SECTION 25-20.5-406 OR A LOCAL OR  
25 REGIONAL CHILD FATALITY PREVENTION REVIEW TEAM ESTABLISHED  
26 PURSUANT TO SECTION 25-20.5-404 UPON THE REQUEST OF THE  
27 APPLICABLE REVIEW TEAM;

1 (VI) THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND  
2 ENVIRONMENT AS NECESSARY FOR THE COLLECTION OF DATA IN  
3 ACCORDANCE WITH THE NATIONAL VIOLENT DEATH REPORTING SYSTEM  
4 AND THE COLORADO UNINTENTIONAL DRUG OVERDOSE REPORTING  
5 SYSTEM.

6 (VII) THE COLORADO CHILD FATALITY REVIEW TEAM, AS DEFINED  
7 IN SECTION 26-1-139 (2)(e), UPON THE REQUEST OF THE REVIEW TEAM;

8 (VIII) A COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES IN  
9 CONNECTION WITH THE INVESTIGATION OF AN INCIDENCE OF ALLEGED  
10 ABUSE OR NEGLECT OF A MINOR;

11 (IX) THE DIVISION OF YOUTH SERVICES IN THE DEPARTMENT OF  
12 HUMAN SERVICES IN CONNECTION WITH THE INVESTIGATION OF A  
13 FATALITY THAT HAS OCCURRED WITHIN A STATE-OWNED OR -OPERATED  
14 FACILITY;

15 (X) A HEALTH-CARE FACILITY THAT IS LICENSED OR CERTIFIED IN  
16 ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 3 OF TITLE 25 AT  
17 WHICH FACILITY THE DECEASED HAD PREVIOUSLY RECEIVED TREATMENT;

18 (XI) A COMMUNITY CLINIC, AS DEFINED IN SECTION 25-1.5-103  
19 (2)(a.5), OR A TREATING HOSPITAL FOR INCLUSION WITHIN THE MEDICAL  
20 RECORDS OF THE DECEASED;

21 (XII) AN EYE BANK, AN ORGAN PROCUREMENT ORGANIZATION, OR  
22 A TISSUE BANK, AS THOSE TERMS ARE DEFINED IN SECTION 15-19-202 (10),  
23 (16), AND (31), RESPECTIVELY;

24 (XIII) A LOCAL OR REGIONAL DOMESTIC VIOLENCE FATALITY  
25 REVIEW TEAM, AS DEFINED IN SECTION 24-31-701 (4), OR THE COLORADO  
26 DOMESTIC VIOLENCE FATALITY REVIEW BOARD CREATED IN SECTION  
27 24-31-702 (1) UPON THE REQUEST OF A TEAM OR THE BOARD, AS

1 APPLICABLE;

2 (XIV) THE COLORADO DEPARTMENT OF HUMAN SERVICES IN  
3 CONNECTION WITH THE INVESTIGATION OF A FATALITY THAT HAS  
4 OCCURRED WITHIN ANY FACILITY THAT IS LICENSED UNDER THE "CHILD  
5 CARE LICENSING ACT", PART 3 OF ARTICLE 5 OF TITLE 26.5;

6 (XV) THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN  
7 ESTABLISHED IN SECTION 19-3.3-102 (1)(a);

8 (XVI) A HEALTH-CARE PROVIDER LICENSED IN ACCORDANCE WITH  
9 THE REQUIREMENTS OF TITLE 12 THAT HAD PREVIOUSLY ESTABLISHED A  
10 PATIENT-PROVIDER RELATIONSHIP WITH THE DECEASED;

11 (XVII) THE COLORADO MATERNAL MORTALITY REVIEW  
12 COMMITTEE CREATED IN SECTION 25-52-104 (1) FOR THE PURPOSE OF  
13 CONDUCTING PUBLIC HEALTH DEATH REVIEWS OF DECEASED INDIVIDUALS  
14 WHO ARE PREGNANT OR WITHIN ONE YEAR POSTPARTUM;

15 (XVIII) THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND  
16 ENVIRONMENT AND COUNTY PUBLIC HEALTH AGENCIES AS DESCRIBED IN  
17 SECTION 25-1-506 FOR THE PURPOSE OF DATA COLLECTION AS IT RELATES  
18 TO THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT'S  
19 AUTHORITY UNDER SECTION 25-1.5-102 AND SUBSEQUENT BOARD OF  
20 HEALTH RULES; OR

21 (XIX) THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND  
22 ENVIRONMENT'S HEALTH FACILITY AND EMERGENCY MEDICAL SERVICES  
23 DIVISION FOR THE PURPOSE OF HEALTH FACILITIES AND EMERGENCY  
24 MEDICAL SERVICES INVESTIGATIONS.

25 (XX) THE PUBLIC IF THE DEATH OCCURS WHILE THE MINOR IS IN  
26 THE CUSTODY OR UNDER THE SUPERVISION OF THE STATE OR A LOCAL  
27 GOVERNMENT, INCLUDING A LAW ENFORCEMENT AGENCY, A DETENTION

1     FACILITY, WHILE UNDER FOSTER CARE, OR IN A PUBLIC SCHOOL.

2           (3) (a) NOTWITHSTANDING ANY OTHER PROVISION OF THIS  
3 SECTION, UPON WRITTEN REQUEST BY ANY INDIVIDUAL, A CORONER SHALL  
4 NOT RELEASE A COPY OF THE AUTOPSY REPORT PREPARED IN CONNECTION  
5 WITH THE DEATH OF A MINOR, AND SHALL INSTEAD RELEASE THE  
6 FOLLOWING INFORMATION PERTAINING TO THE DEATH OF A MINOR:

7           (I) CAUSE OF DEATH;

8           (II) TIME, PLACE, AND MANNER OF DEATH; AND

9           (III) AGE, GENDER, AND RACE OR ETHNICITY OF THE DECEASED  
10 MINOR.

11          (b) THE CORONER SHALL RELEASE THE INFORMATION REQUIRED IN  
12 SUBSECTIONS (3)(a)(I) TO (3)(a)(III) OF THIS SECTION WITHIN THREE  
13 BUSINESS DAYS OF RECEIPT OF THE WRITTEN REQUEST OR THREE BUSINESS  
14 DAYS AFTER RECEIVING THE INFORMATION, WHICHEVER IS LATER. IF THE  
15 INFORMATION IS INCOMPLETE WHEN RELEASED, THE CORONER SHALL  
16 DISCLOSE THAT ANY MISSING INFORMATION REMAINS UNDER  
17 INVESTIGATION OR IS OTHERWISE UNKNOWN.

18          (4) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,  
19 ANY PERSON MAY PETITION A DISTRICT COURT TO ALLOW THE PERSON  
20 ACCESS TO AN AUTOPSY REPORT PREPARED IN CONNECTION WITH THE  
21 DEATH OF A MINOR. THE DISTRICT COURT SHALL GRANT THE PETITIONER  
22 ACCESS TO THE REPORT UPON A FINDING THAT:

23          (a) PUBLIC DISCLOSURE OF THE REPORT SUBSTANTIALLY  
24 OUTWEIGHS ANY HARM TO THE PRIVACY INTERESTS OF THE DECEASED AND  
25 THE MEMBERS OF THE FAMILY OF THE DECEASED; AND

26          (b) THE INFORMATION SOUGHT BY THE PETITIONER IS NOT  
27 OTHERWISE PUBLICLY AVAILABLE.

1           **SECTION 2. Act subject to petition - effective date -**

2           **applicability.** (1) This act takes effect January 1, 2025; except that, if a  
3 referendum petition is filed pursuant to section 1 (3) of article V of the  
4 state constitution against this act or an item, section, or part of this act  
5 within the ninety-day period after final adjournment of the general  
6 assembly, then the act, item, section, or part will not take effect unless  
7 approved by the people at the general election to be held in November  
8 2024 and, in such case, will take effect January 1, 2025, or on the date of  
9 the official declaration of the vote thereon by the governor, whichever is  
10 later.

11           (2) This act applies to a request for an autopsy report or  
12 information pertaining to the death of a minor submitted on or after the  
13 applicable effective date of this act.