

SENATE No. 1950

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

1 SECTION 1. Section 2 of chapter 38 of the General Laws, as appearing in the 2012
2 Official Edition, is hereby amended by adding the following paragraph:-

3 Nothing in this section shall be construed to prohibit the office of chief medical examiner
4 from providing a copy of the autopsy report of a decedent to the decedent's surviving spouse,
5 person in the first degree of consanguinity or, if there is no surviving spouse or person in the first
6 degree of consanguinity, to the person entitled to receive the body.

7 SECTION 2. Section 13 of said chapter 38, as so appearing, is hereby amended by
8 striking out the second and third sentences and inserting in place thereof the following 3
9 sentences:- No person otherwise entitled to the right of release shall be entitled to that right and
10 that right shall be passed on to the next person in the order of priority named in this section if a
11 named person is charged with or convicted of a criminal offense which resulted in the death of
12 the deceased; provided, however, that if the charges against the person are dismissed, or if the
13 person is acquitted of the charges, the right of release shall be returned to that person, unless the
14 dismissal or acquittal occurs after the body has been released; and provided further, that any
15 person charged with a criminal offense which resulted in the death of the deceased may petition
16 the probate and family court for the county where the death of the decedent occurred for review
17 within 24 hours and the court shall, within 2 business days, determine what the decedent would
18 have wanted and enter an order regarding the decedent's remains or awarding the right of release
19 to a person determined by the court to be competent to carry out the disposition of the decedent.
20 If the body is unidentified or unclaimed after the investigation is completed, the medical
21 examiner shall release it to the department of transitional assistance, which shall bury it under
22 section 9 of chapter 117A. Prior to the release of the unidentified or unclaimed body to the
23 department of transitional assistance, the chief medical examiner or a designee shall certify to the
24 city or town clerk in the municipality where the death occurred the facts of the death as required
25 by section 9 of chapter 46.