

HOUSE No. 3759

Text of an amendment, offered by Mr. Speliotis of Danvers, to the Senate Bill relative to the release of a body by the medical examiner to a person charged with an offense which resulted in the death of the deceased (Senate, No. 1099, changed and amended). November 13, 2013.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

By striking out all after the enacting clause and inserting in place thereof the following:—

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

3 Nothing in this section shall be construed to prohibit the office of the chief medical
4 examiner from providing a copy of the autopsy report of a decedent to the decedent's surviving
5 spouse, person in the first degree of consanguinity, or in the event there is no surviving spouse or
6 person in the first 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 striking out
8 the second sentence and inserting in place thereof the following sentence:- No person otherwise
9 entitled to such right of release shall be entitled to such right and such right shall be passed on to
10 the next person in the order of priority named in this section if: (1) any named person is charged
11 with or convicted of a criminal offense which resulted in the death of the deceased; provided,
12 however, that if the charges against the person are dismissed, or if the person is acquitted of the
13 charges, the right of release is returned to that person, unless the dismissal or acquittal occurs

14 after the body has been released; or (2) after investigation or examination the office has a
15 reasonable basis to determine that the cause of death is a homicide and any person named in this
16 section is suspected to have caused the death; provided, however, that any person aggrieved by a
17 decision of the office may petition the probate and family court for the county wherein the death
18 of the decedent occurred for review within 24 hours and said court shall, within 2 business days,
19 determine what the decedent would have wanted and enter an order regarding the decedent's
20 remains or awarding the right of release to a person determined by the court to be competent to
21 carry out the disposition of the decedent." ; and by striking out the title and inserting in place
22 thereof the following title:-

23 "An Act relative to the release of a body by the medical examiner to a person suspected or
24 charged with an offense which resulted in the death of the deceased.".