



SPONSOR: Sen. Bushweller & Rep. Mitchell
Reps. Brady, Lynn, Smyk

DELAWARE STATE SENATE
149th GENERAL ASSEMBLY

SENATE BILL NO. 214

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE DIVISION OF FORENSIC SCIENCE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 47, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4701A. Definitions.

For purposes of this chapter, "next of kin" means one of the following:

(1) A spouse.

(2) If no spouse, the decedent's adult children.

(3) If no spouse or adult children, the decedent's parents.

(4) If no spouse, adult children, or parents of the decedent, the person who is legally entitled to claim the decedent's remains for final disposition.

Section 2. Amend § 4707, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4707. Postmortem examination; autopsy reports.

(a) When the cause of death shall have been established within reasonable medical certainty by a Medical Examiner, the Medical Examiner shall prepare a written report and file it in the Division of Forensic Science within ~~30 days~~ 90 days after an investigation of such death.

Section 3. Amend § 4712, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4712. Authority to provide corneas to eye banks.

(b) For the purposes of this section, ~~the following terms shall have the following meanings: "approved eye bank"~~ includes the Medical Eye Bank of Delaware and the Eye Foundation of Delaware Valley.

~~(1) "Approved eye bank," includes the Medical Eye Bank of Delaware and the Eye Foundation of Delaware Valley;~~

- 23 (2) "Next of kin" means:
- 24 a. A spouse;
- 25 b. If no spouse, the decedent's adult children;
- 26 c. If no spouse or adult children, the decedent's parents;
- 27 d. If no spouse, adult children or parents, the person who is legally entitled to claim the decedent's
- 28 remains for final disposition.

SYNOPSIS

The Division of Forensic Science ("Division") produces numerous postmortem examination reports, autopsy reports, and laboratory reports annually. Given the high volume, and consistent with National Association of Medical Examiners accreditation standards, this Act expands the period of time within which the Medical Examiner must complete a written report from 30 to 90 days.

In addition, while "next of kin" is defined for purposes of the authority to provide corneas to eye banks, other references to "next of kin" in Chapter 47 of Title 29 (regarding the Division's authority) are undefined. This Act provides a clear definition for Division employees and the public regarding who qualifies as "next of kin" and is intended to ensure that the confidential reports prepared by the Division are released only to the appropriate individual.

Author: Senator Bushweller