

ASSEMBLY, No. 849

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman NICHOLAS CHIARAVALLOTI

District 31 (Hudson)

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District 33 (Hudson)

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SYNOPSIS

Requires medical examiners to perform dissections or autopsies in all cases of compelling public necessity, including deaths of prison, jail, or penitentiary inmates.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning dissections or autopsies and amending
2 P.L.1983, c.535.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. Section 2 of P.L.1983, c.535 (C.52:17B-88.2) is amended to
8 read as follows:

9 2. Notwithstanding any other provision of law to the contrary,
10 **【no】 if there is a compelling public necessity under paragraphs (1),**
11 **(2), (3), and (4) of subsection a. of section 1 of P.L.1983, c.535**
12 **(C.52:17B-88.1), a medical examiner shall perform a dissection or**
13 **autopsy. No** dissection or autopsy shall be performed, in the
14 absence of a compelling public necessity, over the objection of a
15 member of the deceased's immediate family or in the absence
16 thereof, a friend of the deceased that the procedure is contrary to the
17 religious beliefs of the decedent or if there is an obvious reason to
18 believe that a dissection or autopsy is contrary to the decedent's
19 religious beliefs.
20 (cf: P.L.1983, c.535, s.2)

21

22 2. This act shall take effect immediately.

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25 STATEMENT

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27 This bill clarifies that a medical examiner is required to perform
28 a dissection or autopsy if there is a compelling public necessity.

29 Specifically, the bill amends section 2 of P.L.1985, c.535
30 (C.52:17B-88.2) to require that a medical examiner perform a
31 dissection or autopsy if there is a compelling public necessity as
32 defined in subsection a. of section 1 of P.L.1983, c.535 (C.52:17B-
33 88.1), including the death of an inmate of a jail, prison, or
34 penitentiary.

35 The provisions of P.L.1983, c.535 (C.52:17B-88.1 et seq.) define
36 the circumstances that create a compelling public necessity
37 requiring a medical examiner to perform a dissection or autopsy.
38 The law, however, does not explicitly state that a dissection or
39 autopsy is required to be performed if, in the opinion of a medical
40 examiner, there is such a necessity. This amendment would
41 explicitly stipulate that a dissection or autopsy must be performed
42 whenever there is a compelling public necessity, including the death
43 of an inmate of a jail, prison, or penitentiary.

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】 in the above bill is not enacted and is intended to be omitted in the law.**

Matter underlined thus is new matter.