

AMENDED IN SENATE JUNE 10, 2013

AMENDED IN ASSEMBLY APRIL 16, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 957**

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**Introduced by Assembly Member Wagner**

February 22, 2013

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An act to amend Section 129 of the Code of Civil Procedure, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

AB 957, as amended, Wagner. Postmortem photographs.

Existing law prohibits making a copy, reproduction, or facsimile of a photograph, negative, or print of the body of a deceased person taken by, or for, the coroner at the scene of death, or in the course of a post mortem examination or autopsy, except for use in a criminal proceeding that relates to the death of that person or by order of the court for good cause, as specified. This provision does not apply to making a copy, reproduction, or facsimile for use in the field of forensic pathology, in medical or scientific education or research, or by any law enforcement agency.

This bill would additionally prohibit the dissemination of a copy, reproduction, or facsimile described above, except as provided. The bill would exclude from application of this provision the making or dissemination of a copy, reproduction, or facsimile for use in the field of forensic pathology, in medical or scientific education or research, and by a coroner or any law enforcement agency for investigative purposes, including identification and identification confirmation. The bill would provide that a coroner is not personally liable for monetary

damages in a civil action for any ~~act, or failure to act,~~ *act or omission* in compliance with these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 129 of the Code of Civil Procedure is  
2 amended to read:

3 129. (a) Notwithstanding any other law, a copy, reproduction,  
4 or facsimile of any kind of a photograph, negative, or print,  
5 including instant photographs and video recordings, of the body,  
6 or any portion of the body, of a deceased person, taken by or for  
7 the coroner at the scene of death or in the course of a post mortem  
8 examination or autopsy, shall not be made or disseminated except  
9 as follows:

10 (1) For use in a criminal action or proceeding in this state that  
11 relates to the death of that person.

12 (2) As a court of this state permits, by order after good cause  
13 has been shown and after written notification of the request for  
14 the court order has been served, at least five days before the order  
15 is made, upon the district attorney of the county in which the post  
16 mortem examination or autopsy has been made or caused to be  
17 made.

18 (b) This section shall not apply to the making or dissemination  
19 of a copy, reproduction, or facsimile for use in the field of forensic  
20 pathology, in medical or scientific education or research, or by a  
21 coroner or any law enforcement agency in the United States for  
22 investigative purposes, including identification and identification  
23 confirmation.

24 (c) This section shall apply to a copy, reproduction, or facsimile,  
25 and to a photograph, negative, or print, regardless of when it was  
26 made.

27 (d) A coroner is not personally liable for monetary damages in  
28 a civil action for any ~~act, or failure to act,~~ *act or omission* in  
29 compliance with this section.

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