

CNPA POSITION SUMMARY

Assembly Bill 268 (Irwin)

Position: Opposed

Position Summary

AB 268 would give family members of homicide victims the right to seal decedents' autopsy records. The bill would require the courts to deny the California Constitution's right to access public records without procedure or hearing when requested by a family member. It ignores CPRA provisions that let courts objectively address the public's interest in disclosure vs. non-disclosure. In weighing those interests the court considers both the public's right to records and the individual rights to privacy in the California Constitution. Finally, AB 268 overrides the Rules of Court requiring a public hearing and a judicial finding that justifies sealing a record.

Critical autopsy access.

 [Isla Vista](#)
 [San Bernardino](#)
 [Santa Monica](#)
 [Branch Roth](#)
 [Jet Ski Homicide?](#)
 [Coroner Website](#)
 [Ezel Ford Case](#)
 [Orlando Pulse](#)
 [Thousand Oaks](#)
 [Camarillo](#)
 [LA Body Parts](#)
 [SB 1189 Passes](#)

Policy Considerations

All Californians sympathize with the pain that families endure at the loss of loved ones to violent crimes. Journalists feel those emotions acutely as they often come in direct contact with and note the associated grief. The public expects to learn more from their local press, however. They have a right to understand what, where, when, why, and most especially, how these crimes take place. Lacking access to autopsies via AB 268, the community not only may be denied vital information, but also it may lose watchful eyes on the conduct of police, coroners, and related agencies. As it is, adult autopsy records are frequently redacted to protect the integrity of investigations and certain privacy matters.

AB 268 undermines existing law and discounts current public policy and practice.

-  It chips away at the public's Constitutional right to access public records.
-  It overrides the right of courts and agencies already empowered to weigh the merits of disclosure vs. non-disclosure.
-  It thwarts public and press access to key investigative tools and prevents fact-based reporting on serious criminal incidents.
-  It directly impacts the ability of journalists to discover and report on the accountability of law enforcement, criminal justice, and related agencies.
-  It directly contradicts the expanded access to autopsy reports granted under SB 1421, the law that requires agencies to redact information rather than issue blanket denials.
-  It seeks to override current CPRA practice and precedent. It unreasonably broadens an exception that only applies to children's records.
-  It overrides common practice. Autopsy reports are available on publicly accessible coroner websites. Coroners' offices regularly and routinely provide death records related to homicides and mass shootings.
-  It gives any next of kin authority to request that records be sealed including personal representatives, children, grandparents, grandchildren, siblings or domestic partners.
-  It thwarts revelations of truth that might overcome speculation, rumor and misinformation.

For all these reasons, CNPA respectfully urges a "NO" vote on AB 268.