

# **WEST VIRGINIA LEGISLATURE**

**2025 REGULAR SESSION**

**ENROLLED**

## **House Bill 2358**

BY DELEGATES KELLY, MASTERS, AND FUNKHOUSER

[Passed April 12, 2025; in effect 90 days from  
passage (July 11, 2025)]



1 AN ACT to amend and reenact §61-12-10 of the Code of West Virginia, 1931, as amended,  
2 relating to postmortem examinations; establishing time periods for conducting autopsy;  
3 and setting time period for providing report of autopsy to certain individuals.

*Be it enacted by the Legislature of West Virginia:*

## **ARTICLE 12. POSTMORTEM EXAMINATIONS.**

### **§61-12-10. When autopsies made and by whom performed; records of date investigated; copies of records and information; reporting requirements.**

1 (a) If in the opinion of the chief medical examiner, or of the county medical examiner of  
2 the county in which the death in question occurred, it is advisable and in the public interest that  
3 an autopsy be made, or if an autopsy is requested by either the prosecuting attorney or the judge  
4 of the circuit court or other court of record having criminal jurisdiction in that county, an autopsy  
5 shall be conducted by the chief medical examiner or his or her designee, by a member of his or  
6 her staff, or by a competent pathologist designated and employed by the chief medical examiner  
7 under the provisions of this article. When requested by either the prosecuting attorney or judge of  
8 the circuit court or other court of record having criminal jurisdiction in that county, the autopsy  
9 shall be conducted within 72 hours of the time the decedent was received by the Office of the  
10 Chief Medical Examiner. For this purpose, the chief medical examiner may employ any county  
11 medical examiner who is a pathologist who holds board certification or board eligibility in forensic  
12 pathology or has completed an American Board of Pathology fellowship in forensic pathology to  
13 make the autopsies, and the fees to be paid for autopsies under this section shall be in addition  
14 to the fee provided for investigations pursuant to §61-12-8 of this code. A full record and report of  
15 the findings developed by the autopsy shall be filed with the Office of the Chief Medical Examiner  
16 by the person making the autopsy.

17 (b) Within 24 hours of completion, a copy of the report of autopsy, including any death  
18 investigation reports made by the county level medical examiner submitted to the Office of the

Chief Medical Examiner, shall be furnished to the prosecuting attorney of the county, or of the county where any injury contributing or causing the death was sustained.

(c) The Office of the Chief Medical Examiner shall keep full, complete and properly indexed records of all deaths investigated, containing all relevant information concerning the death and the autopsy report if an autopsy report is made. Any prosecuting attorney or law-enforcement officer may secure copies of these records or information necessary for the performance of his or her official duties.

(d) Copies of these records or information shall be furnished, upon request, to any court of law, or to the parties therein to whom the cause of death is a material issue, except where the court determines that interests in a civil matter conflict with the interests in a criminal proceeding, in which case the interests in the criminal proceeding shall take precedence. The Office of Chief Medical Examiner shall be reimbursed a reasonable rate by the requesting party for costs incurred in the production of records under this subsection, and subsection (c), (f), and (g) of this section.

(e) The chief medical examiner may release investigation records and autopsy reports to the multidisciplinary team authorized by §49-4-402 of this code and as authorized in subsection (j) of this section. The chief medical examiner may release records and information to other state agencies when considered to be in the public interest.

(f) The chief medical examiner may release a copy of the autopsy and toxicology reports upon the request from a designated representative of a hospital as defined in §16-2D-2 of this code, to said facility who has reported a death under the provisions of §61-12-8 of this code for purposes of quality review and medical record completion.

(g) The chief medical examiner may release a copy of the autopsy and toxicology reports upon the request of an attending physician as defined in §16-30C-3 of this code, to said physician whose patient has died for purposes of quality review and medical record completion.

43           (h) Any person performing an autopsy under this section may keep and retain, for and on  
44           behalf of the chief medical examiner, any tissue from the body upon which the autopsy was  
45           performed which may be necessary for further study or consideration.

46           (i) In cases of the death of any infant, where sudden infant death syndrome is the  
47           suspected cause of death and the chief medical examiner or the medical examiner of the county  
48           in which the death in question occurred considers it advisable to perform an autopsy, it is the duty  
49           of the chief medical examiner or the medical examiner of the county in which the death occurred  
50           to notify the sudden infant death syndrome program within the Division of Maternal and Child  
51           Health and to inform the program of all information to be given to the infant's parents.

52           (j) If the chief medical examiner determines that a drug overdose is the cause of death of  
53           a person, the chief medical examiner shall provide notice of the death to the West Virginia  
54           Controlled Substances Monitoring Program Database Review Committee established pursuant  
55           to §60A-9-5(b) and shall include in the notice any information relating to the cause of the fatal  
56           overdose.



The Clerk of the House of Delegates and the Clerk of the Senate hereby  
certify that the foregoing bill is correctly enrolled.

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*Clerk of the House of Delegates*

.....  
*Clerk of the Senate*

Originated in the House of Delegates.

In effect 90 days from passage.

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*Speaker of the House of Delegates*

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*President of the Senate*

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The within is ..... this the.....  
Day of ....., 2025.

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*Governor*