

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 517

By Senator Weld

[Introduced January 20, 2026; referred

to the Committee on Health and Human Resources;

and then to the Committee on Finance]

1 A BILL to amend and reenact §61-12-10 of the Code of West Virginia, 1931, as amended, relating
2 to postmortem examinations.

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

18 (b) Within 24 hours of completion, a copy of the report of autopsy, including any death
19 investigation reports made by the county level medical examiner submitted to the Office of the
20 Chief Medical Examiner, shall be furnished to the prosecuting attorney of the county, or of the

21 county where any injury contributing or causing the death was sustained.

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

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

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

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

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

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

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

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

NOTE: The purpose of this bill is to clarify deadlines for autopsy reports.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.