



STATE OF KANSAS

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January 21, 1986

ATTORNEY GENERAL OPINION NO. 86- 5

Edwin M. Wheeler, Jr.  
Marion County Attorney  
Marion County Courthouse  
Marion, Kansas 66861

Re: Laws, Journals and Public Information -- Records  
Open to Public -- Disclosure of Coroner's Reports

Counties and County Officers -- District Coroner --  
Disclosure of Coroner's Reports

Synopsis: Reports prepared by a district coroner or deputy  
district coroner pursuant to K.S.A. 19-1032 are  
public records open to inspection by any person  
under the Open Records Act, K.S.A. 1984 Supp.  
44-215 et seq. Cited herein: K.S.A. 19-1026;  
19-1032; 19-1033; 19-1034; 22-4701; K.S.A. 1984  
Supp. 45-216; 45-217; 45-221.

\* \* \*

Dear Mr. Wheeler:

As county attorney for Marion County, you request our  
opinion regarding coroner's reports. You ask whether such  
reports are public records which must be disclosed to an  
insurance company which requests a copy of any report filed  
with the clerk of the district court.

The primary responsibility of a district coroner or deputy  
district coroner is to determine the cause of death of a  
person who dies from other than natural causes. State v.  
Gordon, 219 Kan. 643, Syl. ¶6, 549 P.2d 886 (1976). The  
duties of a coroner are stated in K.S.A. 19-1032:

"Upon receipt of such notice, the coroner shall take charge of the dead body, make inquiries regarding the cause of death, and reduce the findings to a report in writing. Such report shall be filed with the clerk of the district court of the county in which death occurred."  
(Emphasis added.)

Pursuant to K.S.A. 19-1033, an autopsy shall be made on a dead body if the coroner believes it is advisable and in the public interest, or if the county or district attorney makes a written request for an autopsy. K.S.A. 19-1033 also requires that:

"A full record and report of the facts developed by the autopsy and findings of the person making such autopsy shall be promptly made and filed with the coroner and with the clerk of the district court of the county in which the decedent died."

It is clear that a coroner's report is distinguishable from an autopsy report as an autopsy may not always be done in each case. Such reports are admissible evidence pursuant to K.S.A. 19-1034:

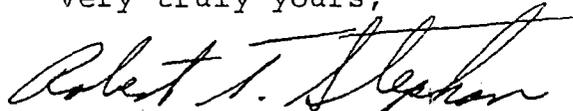
"The records of the coroner filed with the clerk of the district court and other public records of the coroner made by the coroners or by anyone under the direction or supervision [of the coroner] and transcripts certified by the coroner shall be received in any court or administrative body in the state as competent evidence of the matters and facts therein contained. All records filed under this section shall be on a form approved by the director of the Kansas bureau of investigation. The records which shall be admissible under this section shall be records of the results of views and examinations of or autopsies upon the bodies of deceased persons by such coroner or by anyone under such coroner's direct supervision or control, and shall not include statements made by witnesses or other persons."

Under the Open Records Act, public records are to be open for inspection by any person unless otherwise provided. K.S.A. 1984 Supp. 45-216. A "public record" is defined to include recorded information in any form in the possession of a public agency. K.S.A. 1984 Supp. 45-217(f)(1). A "public agency" includes any officer of the state or political or taxing subdivision. K.S.A. 1984 Supp. 45-217(e)(1). As the office of district coroner is established by K.S.A. 19-1026, a coroner is therefore included within the act, and a coroner's report is a public record.

A public record is to be open unless it falls within one of the thirty-five categories of records which the act has indicated public agencies are not required to disclose. K.S.A. 1984 Supp. 45-221(a). The first category exempts records for which disclosure is specifically prohibited or restricted by federal law, state statute, or rule of the Kansas Supreme Court. K.S.A. 1984 Supp. 45-221(a)(1). Coroner's reports are not listed among the exceptions to disclosure of public records. A coroner's report does not fall within the criminal investigation record exception, as the office of district coroner is not a criminal justice agency as defined in K.S.A. 22-4701(c). K.S.A. 1984 Supp. 45-217(b); K.S.A. 1984 Supp. 45-221(a)(10). In addition, there is no specific statute or rule which exempts coroner's reports from public disclosure.

In conclusion, reports prepared by a district coroner or deputy district coroner pursuant to K.S.A. 19-1032 are public records open to inspection by any person under the Open Records Act, K.S.A. 1984 Supp. 44-215 et seq.

Very truly yours,



ROBERT T. STEPHAN  
ATTORNEY GENERAL OF KANSAS



Rita L. Noll  
Assistant Attorney General