

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 32.1-285 of the Code of Virginia, relating to autopsies; decedents in the*  
3 *custody of Department of Corrections.*

4 [S 1276]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 32.1-285 of the Code of Virginia is amended and reenacted as follows:**8 **§ 32.1-285. Autopsies.**

9 A. If, in the opinion of the Office of the Chief Medical Examiner, it is advisable and in the public  
10 interest that an autopsy be made as part of the investigation of the death, or if an autopsy is requested  
11 by the attorney for the Commonwealth or by a judge of the circuit court of the county or city wherein  
12 such body is or where death occurred or wherein any injury contributing to or causing death was  
13 sustained, *or if the decedent is an inmate in the custody of the Department of Corrections*, an autopsy  
14 shall be performed by the Chief Medical Examiner, an Assistant Chief Medical Examiner, or a  
15 pathologist with whom the Commissioner has entered into an agreement in accordance with § 32.1-281.  
16 Upon petition of a member of the immediate family or the spouse of the deceased in a case of death by  
17 injury, such circuit court may, for good cause shown, order an autopsy, after providing notice and an  
18 opportunity to be heard to the attorney for the Commonwealth for the jurisdiction wherein the injury  
19 contributing to or causing death was sustained or where death occurred. Further, in all cases of death  
20 suspected to be attributable to Sudden Infant Death Syndrome (SIDS), an autopsy shall be advisable and  
21 in the public interest and shall be performed as required by § 32.1-285.1. A full record and report of the  
22 facts developed by the autopsy and findings of the person making such autopsy shall be promptly made  
23 and filed with the Office of the Chief Medical Examiner and a copy furnished the judge or attorney for  
24 the Commonwealth requesting such autopsy. In the discretion of the Chief Medical Examiner or an  
25 Assistant Chief Medical Examiner, a copy of any autopsy report or findings may be furnished to any  
26 appropriate attorney for the Commonwealth and to the appropriate law-enforcement agency investigating  
27 the death.

28 B. In the case of a child death investigation that indicates child abuse or neglect contributed to the  
29 death, or that the child suffered from abuse and neglect, the case shall be immediately reported to the  
30 child protective services unit of the local Department of Social Services by the Chief Medical Examiner,  
31 an Assistant Chief Medical Examiner, or a medical examiner appointed pursuant to § 32.1-282.

32 **2. That the provisions of this act shall become effective on January 1, 2024.**