

By Mr. Sullivan of Braintree, petition of Joseph C. Sullivan relative to restricting the release of a deceased's body to a spouse who was subject to a restraining order. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand and Three.

AN ACT RELATIVE TO THE RELEASE OF THE BODY OF A DECEASED PERSON.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 13 of chapter 38 of the General Laws, as  
2 appearing in the 2000 Official Edition, is hereby amended by  
3 striking out in line four the words “, who shall have priority in the  
4 order named”.

1 SECTION 2. Said section 13 of said chapter 38, as so  
2 appearing, is hereby further amended by inserting after the first  
3 sentence the following sentence:—

4 If at the time of death the deceased's spouse was subject to a  
5 restraining order or otherwise enjoined from contacting the  
6 deceased or the deceased's family, the chief medical examiner  
7 shall not release the body to such surviving spouse without the  
8 prior consent of the deceased's next of kin; provided, however, the  
9 chief medical examiner may release the body to such surviving  
10 spouse if after seven days the body has not been released to any  
11 other person having proper legal authority.

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