

AMENDED IN ASSEMBLY APRIL 10, 2002

AMENDED IN ASSEMBLY APRIL 1, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1872

Introduced by Assembly Members Canciamilla and Nation

February 4, 2002

~~An act to add Section 27491.15 to the Government Code, relating to county coroners.~~ *An act to amend Sections 103450 and 103490 of, and to add Section 103466 to, the Health and Safety Code, relating to vital records.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1872, as amended, Canciamilla. ~~Coroners~~ *Vital records: certificate of death: court proceedings.*

Existing law permits a verified petition to be filed by any beneficially interested person with the county clerk of certain superior courts for an order to judicially establish the fact of, and the time and place of, a birth, death, or marriage that is not registered or for which a certified copy is not obtainable.

This bill would permit a coroner or medical examiner to also file such a petition.

Existing law requires the county clerk to set the time of hearing not less than 5 or more than 10 days after the filing of the petition.

This bill, notwithstanding the above provision, would provide that upon the filing of a petition for a determination of the fact of death for more than one individual, the clerk shall set a hearing no later than 15 days from the date the petition was filed. It would also require the



petitioner to make a reasonable effort to provide notice of the hearing to the known heirs of the deceased up to the 2nd degree of relationship, but failure to provide this notice would not invalidate the judicial proceedings regarding the determination of the fact of death.

Existing law requires the State Registrar to send certified copies of the court order delayed certificate to the local registrar and the county recorder within the area in which the event occurred and in whose offices copies of records of the year of occurrence of the event are on file.

This bill would require the State Registrar to send these certified copies of the court order delayed certificates to the local registrar and the county recorder without delay.

~~Under existing law, the coroner of a county is required to inquire into and determine the circumstances, manner, and cause of death in specified types of deaths, and in those cases the coroner or his or her deputy is required to personally sign the certificate of death.~~

~~This bill would specify that notwithstanding any other provision of law, the coroner shall, without further inquiry complete a certificate of death no later than 30 calendar days after a request has been submitted, if the coroner determines that the person was aboard an aircraft, train, vessel, spacecraft, or any form of mass transportation that was lost, damaged, or otherwise destroyed, and that circumstances of the event afforded no reasonable possibility that the person did survive or could have survived the event.~~

~~By imposing a higher level of service on local agencies in implementing its provisions, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes *no*.



The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 27491.15 is added to the Government~~
2 SECTION 1. *Section 103450 of the Health and Safety Code is*
3 *amended to read:*

4 103450. A verified petition may be filed by a *coroner, medical*
5 *examiner, or any beneficially interested person with the county*
6 *clerk of the superior court in and for (a) the county in which the*
7 *birth, death, or marriage is alleged to have occurred, ~~or~~ (b) the*
8 *county of residence of the person whose birth or marriage it is*
9 *sought to establish, or (c) the county in which the person was*
10 *domiciled at the date of death, if the person has died, for an order*
11 *to judicially establish the fact of, and the time and place of, a birth,*
12 *death, or marriage that is not registered or for which a certified*
13 *copy is not obtainable.*

14 SEC. 2. Section 103466 is added to the Health and Safety
15 Code, to read:

16 103466. Notwithstanding Section 103465, upon the filing of
17 a petition for a determination of the fact of death for more than one
18 individual, the clerk shall set a hearing no later than 15 days from
19 the date the petition was filed. The petitioner shall make a
20 reasonable effort to provide notice of the hearing to the known
21 heirs of the deceased up to the second degree of relationship.
22 Failure to provide the notice specified in this section shall not
23 invalidate the judicial proceedings regarding the determination of
24 the fact of death.

25 SEC. 3. Section 103490 of the Health and Safety Code is
26 amended to read:

27 103490. The State Registrar, *without delay*, shall send
28 certified copies of the court order delayed certificate to the local
29 registrar and the county recorder within ~~which~~ *the area in which*
30 *the event occurred and in whose offices copies of records of the*
31 *year of occurrence of the event are on file, ~~except that if file.~~*
32 *However, if the event occurred outside the State state, a certified*
33 *copy shall be sent only to the county recorder of the county in*
34 *which the petitioner resides.*

35 ~~Code, to read:~~

36 ~~27491.15. (a) Notwithstanding any other provision of law,~~
37 ~~the coroner shall, without further inquiry, complete a certificate of~~
38 ~~death no later than 30 calendar days after a request has been~~



1 ~~submitted pursuant to subdivision (b), if the coroner determines~~
2 ~~that all of the following conditions are met:~~

3 ~~(1) The person for whom the certificate of death is to be issued~~
4 ~~was aboard an aircraft, train, vessel, spacecraft, or any form of~~
5 ~~mass transportation.~~

6 ~~(2) The aircraft, train, vessel, spacecraft, or form of mass~~
7 ~~transportation that the person was aboard was lost, damaged, or~~
8 ~~otherwise destroyed.~~

9 ~~(3) The circumstances of the event described in paragraph (2)~~
10 ~~afforded no reasonable possibility that the person did survive or~~
11 ~~could have survived the event.~~

12 ~~(b) A request has been “submitted” for purposes of this section~~
13 ~~if it has been submitted on a form approved by the coroner, or by~~
14 ~~the person’s legal representative or successor in interest, or by a~~
15 ~~governmental agency that properly may seek official information~~
16 ~~regarding the person’s death.~~

17 ~~SEC. 2.— Notwithstanding Section 17610 of the Government~~
18 ~~Code, if the Commission on State Mandates determines that this~~
19 ~~act contains costs mandated by the state, reimbursement to local~~
20 ~~agencies and school districts for those costs shall be made pursuant~~
21 ~~to Part 7 (commencing with Section 17500) of Division 4 of Title~~
22 ~~2 of the Government Code. If the statewide cost of the claim for~~
23 ~~reimbursement does not exceed one million dollars (\$1,000,000),~~
24 ~~reimbursement shall be made from the State Mandates Claims~~
25 ~~Fund.~~

