

AMENDED IN SENATE AUGUST 5, 2002
AMENDED IN ASSEMBLY MAY 20, 2002
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 amend Sections 103450 and 103490 of, and to add Sections 103451 and 103466 to, the Health and Safety Code, relating to vital records.

LEGISLATIVE COUNSEL'S DIGEST

AB 1872, as amended, Canciamilla. Vital records: certificate of death: mass fatalities incident.

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, medical examiner, or other beneficially interested person, in the event of a mass fatalities incident, 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 in the event of a mass fatalities incident, 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, in the event of a mass fatalities incident, to send these certified copies of the court order delayed certificates to the local registrar and the county recorder *described above* without delay.

The bill would also define “mass fatalities incident” for purposes of the above provisions.

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

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

1 SECTION 1. Section 103450 of the Health and Safety Code
2 is amended to read:
3 103450. (a) A verified petition may be filed by any
4 beneficially interested person with the county clerk of the superior
5 court in and for (1) the county in which the birth, death, or marriage
6 is alleged to have occurred, (2) the county of residence of the
7 person whose birth or marriage it is sought to establish, or (3) the
8 county in which the person was domiciled at the date of death,~~if~~
9 ~~the person has died~~, for an order to judicially establish the fact of,
10 and the time and place of, a birth, death, or marriage that is not
11 registered or for which a certified copy is not obtainable.
12 (b) In the event of a mass fatalities incident, a verified petition
13 may be filed by a coroner, medical examiner, or any beneficially
14 interested person with the county clerk of the superior court in and
15 for (1) the county in which the ~~birth, death, or marriage~~ *death* is
16 alleged to have occurred, ~~(2) the county of residence of the person~~



1 ~~whose birth or marriage it is sought to establish, or (3) or (2) the~~
2 county in which the person was domiciled at the date of death for
3 an order to judicially establish the fact of, and the time and place
4 of, a ~~birth, death, or marriage~~ *death* that is not registered or for
5 which a certified copy is not obtainable.

6 SEC. 2. Section 103451 is added to the Health and Safety
7 Code, to read:

8 103451. For purposes of this chapter, “mass fatalities
9 incident” means any situation where there are more dead bodies
10 than can be handled using local resources. This determination may
11 be made by the county coroner or medical examiner.

12 SEC. 3. Section 103466 is added to the Health and Safety
13 Code, to read:

14 103466. Notwithstanding Section 103465, upon the filing of
15 a petition for a determination of the fact of death in the event of a
16 mass fatalities incident, the clerk shall set a hearing no later than
17 15 days from the date the petition was filed. The petitioner shall
18 make a reasonable effort to provide notice of the hearing to the
19 known heirs of the deceased up to the second degree of
20 relationship. Failure to provide the notice specified in this section
21 shall not invalidate the judicial proceedings regarding the
22 determination of the fact of death.

23 SEC. 4. Section 103490 of the Health and Safety Code is
24 amended to read:

25 103490. (a) The State Registrar shall send certified copies of
26 the court order delayed certificate to the local registrar and the
27 county recorder within the area in which the event occurred and in
28 whose offices copies of records of the year of occurrence of the
29 event are on file. However, if the event occurred outside the state,
30 a certified copy shall be sent only to the county recorder of the
31 county in which the petitioner resides.

32 (b) In the event of a mass fatalities incident, the State Registrar,
33 without delay, shall send certified copies of the court order delayed
34 certificate to the local registrar and the county recorder within the
35 area in which the ~~event~~ *incident* occurred and in whose offices
36 copies of records of the year of occurrence of the ~~event~~ *incident* are
37 on file. However, if the ~~event~~ *incident* occurred outside the state,



- 1 a certified copy shall be sent only to the county recorder of the
- 2 county in which the petitioner resides.

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