

AMENDED IN ASSEMBLY AUGUST 5, 2004  
AMENDED IN ASSEMBLY JULY 15, 2004  
AMENDED IN ASSEMBLY JUNE 29, 2004  
AMENDED IN SENATE MAY 24, 2004  
AMENDED IN SENATE APRIL 27, 2004  
AMENDED IN SENATE APRIL 12, 2004  
AMENDED IN SENATE MARCH 22, 2004

**SENATE BILL**

**No. 1644**

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**Introduced by Senator Romero**  
**(Principal coauthors: Senators Escutia and Kuehl)**  
**(Coauthor: Senator Machado)**  
(Coauthors: Assembly Members Laird and Pavley)

February 20, 2004

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An act to add Section 102336 to the Health and Safety Code, and to add Section 11174.85 to the Penal Code, relating to elder death.

LEGISLATIVE COUNSEL'S DIGEST

SB 1644, as amended, Romero. Elder death review teams: access to vital record information.

Existing law requires each death to be registered with the local registrar of births and deaths in the district in which the death was officially pronounced or the body was found. Under existing law, a local registrar, deputy registrar, or subregistrar, who fails, neglects, or refuses to perform his or her duty as required by the existing law relating to the

creation and maintenance of vital records, including certificates of death, is guilty of a misdemeanor.

Existing law requires the State Department of Health Services to implement an Internet-based electronic death registration system on or before January 1, 2005. Existing law authorizes each county to establish an interagency elder death team to assist local agencies in identifying and reviewing suspicious elder deaths. Under existing law, an oral or written communication or a document shared within or produced by an elder death review team, as well as certain communications and documents of a 3rd party provided to an elder death review team, is confidential. Existing law provides that the disclosure of information relevant to the work of an elder death review team by any individual or agency is intended to be voluntary.

This bill would require the local registrar of births and deaths, upon the request of ~~a member~~ *the chair, cochair, or any agent thereof*, of a county elder death review team, to ~~make available and assist the electronic transfer of~~ *provide a report of 3 pieces of* information from a death certificate to the county elder death review team, ~~in accordance with the statewide Internet-based death registration system, in any county that has access to the statewide system~~ *certificates. The bill would require a local registrar to comply with this requirement on or before July 1, 2005, or a reasonable time thereafter, but in no case later than December 1, 2005.* The bill would authorize an organization represented on an elder death review team to request and obtain copies of death certificates *from the local registrar of births and deaths*, subject to existing law confidentiality and disclosure requirements. *The bill would provide that its provisions would only apply to the local registrar of a county that has access to the Internet-based electronic death registration system established by the department.* By imposing this requirement on local registrars of births and deaths, and by expanding the definition of an existing crime, the 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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

1 SECTION 1. Section 102336 is added to the Health and  
2 Safety Code, to read:  
3 102336. (a) Notwithstanding paragraph (2) of subdivision  
4 (b) of Section 11174.8 of the Penal Code, ~~upon the request of a~~  
5 ~~member~~ *a local registrar of births and deaths shall provide, from*  
6 *information obtained from death certificates, to the chair, cochair,*  
7 *or any agent of the chair or cochair, of a county elder death review*  
8 *team established pursuant to Article 2.7 (commencing with*  
9 *Section 11174.4) of Chapter 2 of Title 1 of Part 4 of the Penal Code,*  
10 ~~a local registrar of births and deaths shall make available and assist~~  
11 ~~the electronic transfer of information from a certificate of death to~~  
12 ~~the county elder death review team, in accordance with the~~  
13 ~~Internet-based electronic death registration system established by~~  
14 ~~the State Department of Health Services pursuant to Section~~  
15 ~~102778, in any county that has access to the statewide system.~~  
16 *upon request, a report for a date period specified by the requester*  
17 *that shall contain all of, and be sorted by any one of, the following*  
18 *three elements:*  
19 (1) *Place of death.*  
20 (2) *Last name, followed by first name, of the deceased person.*  
21 (3) *Date of death.*  
22 (b) *This section shall only apply to the local registrar of a*  
23 *county that has access to the Internet-based electronic death*  
24 *registration system established by the department pursuant to*  
25 *Section 102778.*  
26 (c) *A local registrar subject to this section shall comply with the*  
27 *requirements of this section on or before July 1, 2005, or a*  
28 *reasonable time thereafter, but in no case later than December 1,*  
29 *2005.*



1 SEC. 2. Section 11174.85 is added to the Penal Code, to read:  
2 11174.85. (a) An organization represented on an elder death  
3 review team may request and obtain copies of certificates of death  
4 from the local registrar of births and deaths. Each organization  
5 represented on an elder death review team may share with any  
6 other member of the team any information obtained from a death  
7 certificate obtained from the local registrar of births and deaths.  
8 Information received by a member of an elder death review team  
9 pursuant to this section shall be subject to the confidentiality and  
10 disclosure requirements of Section 11174.8.

11 (b) *This section shall only apply to the local registrar of a*  
12 *county that has access to the Internet-based electronic death*  
13 *registration system established by the State Department of Health*  
14 *Services pursuant to Section 102778 of the Health and Safety*  
15 *Code.*

16 SEC. 3. No reimbursement is required by this act pursuant to  
17 Section 6 of Article XIII B of the California Constitution for  
18 certain costs that may be incurred by a local agency or school  
19 district because in that regard this act creates a new crime or  
20 infraction, eliminates a crime or infraction, or changes the penalty  
21 for a crime or infraction, within the meaning of Section 17556 of  
22 the Government Code, or changes the definition of a crime within  
23 the meaning of Section 6 of Article XIII B of the California  
24 Constitution.

25 However, notwithstanding Section 17610 of the Government  
26 Code, if the Commission on State Mandates determines that this  
27 act contains other costs mandated by the state, reimbursement to  
28 local agencies and school districts for those costs shall be made  
29 pursuant to Part 7 (commencing with Section 17500) of Division  
30 4 of Title 2 of the Government Code. If the statewide cost of the  
31 claim for reimbursement does not exceed one million dollars  
32 (\$1,000,000), reimbursement shall be made from the State  
33 Mandates Claims Fund.

