

AMENDED IN ASSEMBLY AUGUST 16, 2004  
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 *in a county that elects to participate in the Internet-based electronic death registration system*, upon the request of the chair, cochair, or any agent thereof, of a county elder death review team, to provide a report of 3 pieces of information from death certificates. The bill would require ~~the~~ 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~~

*Under existing law, local registrars are required, upon request and payment of the required fee, to supply to any applicant who is an authorized person a certified copy, or to any other applicant an informational certified copy, of the record of any death registered with the official.*

*This 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, and fee 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~~*

*By expanding the definition of an existing crime with respect to the duty of a local registrar to provide reports, or copies of death certificates, pursuant to these provisions, 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.~~

*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.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

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, a local registrar of births
- 5 and deaths *in a county that elects to participate in the*
- 6 *Internet-based electronic death registration system established by*
- 7 *the department pursuant to Section 102778 shall provide, from*
- 8 *information obtained from death certificates, to the chair, cochair,*
- 9 *or any agent of the chair or cochair, of a county elder death review*
- 10 *team established pursuant to Article 2.7 (commencing with*
- 11 *Section 11174.4) of Chapter 2 of Title 1 of Part 4 of the Penal Code,*
- 12 *upon request, a report for a date period specified by the requester*
- 13 *that shall contain all of, and be sorted by any one of, the following*
- 14 *three elements:*
- 15 (1) Place of death.
- 16 (2) Last name, followed by first name, of the deceased person.



1 (3) Date of death.

2 ~~(b) This section shall only apply to the local registrar of a~~  
3 ~~county that has access to the Internet-based electronic death~~  
4 ~~registration system established by the department pursuant to~~  
5 ~~Section 102778.~~

6 ~~(e)–~~

7 (b) A local registrar subject to this section shall comply with the  
8 requirements of this section on or before July 1, 2005, or a  
9 reasonable time thereafter, but in no case later than December 1,  
10 2005.

11 SEC. 2. Section 11174.85 is added to the Penal Code, to read:

12 11174.85. ~~(a)–~~An organization represented on an elder death  
13 review team may request and obtain copies of certificates of death  
14 from the local registrar of births and deaths, *subject to any fee*  
15 *requirements*. Each organization represented on an elder death  
16 review team may share with any other member of the team any  
17 information obtained from a death certificate obtained from the  
18 local registrar of births and deaths. Information received by a  
19 member of an elder death review team pursuant to this section shall  
20 be subject to the confidentiality and disclosure requirements of  
21 Section 11174.8.

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 State Department of Health~~  
25 ~~Services pursuant to Section 102778 of the Health and Safety~~  
26 ~~Code.~~

27 ~~SEC. 3. No reimbursement is required by this act pursuant to~~  
28 ~~Section 6 of Article XIII B of the California Constitution for~~  
29 ~~certain costs that may be incurred by a local agency or school~~  
30 ~~district because in that regard this act creates a new crime or~~  
31 ~~infraction, eliminates a crime or infraction, or changes the penalty~~  
32 ~~for a crime or infraction, within the meaning of Section 17556 of~~  
33 ~~the Government Code, or changes the definition of a crime within~~  
34 ~~the meaning of Section 6 of Article XIII B of the California~~  
35 ~~Constitution.~~

36 ~~However, notwithstanding Section 17610 of the Government~~  
37 ~~Code, if the Commission on State Mandates determines that this~~  
38 ~~act contains other costs mandated by the state, reimbursement to~~  
39 ~~local agencies and school districts for those costs shall be made~~  
40 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~



1 ~~4 of Title 2 of the Government Code. If the statewide cost of the~~  
2 ~~claim for reimbursement does not exceed one million dollars~~  
3 ~~(\$1,000,000), reimbursement shall be made from the State~~  
4 ~~Mandates Claims Fund.~~

5 *SEC. 3. No reimbursement is required by this act pursuant to*  
6 *Section 6 of Article XIII B of the California Constitution because*  
7 *the only costs that may be incurred by a local agency or school*  
8 *district will be incurred because this act creates a new crime or*  
9 *infraction, eliminates a crime or infraction, or changes the penalty*  
10 *for a crime or infraction, within the meaning of Section 17556 of*  
11 *the Government Code, or changes the definition of a crime within*  
12 *the meaning of Section 6 of Article XIII B of the California*  
13 *Constitution.*

