

AMENDED IN ASSEMBLY MAY 8, 2014  
AMENDED IN ASSEMBLY APRIL 30, 2014  
AMENDED IN ASSEMBLY MARCH 28, 2014  
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2029**

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**Introduced by Assembly Member Cooley  
(Coauthor: Assembly Member Dickinson)**

February 20, 2014

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An act to amend ~~Sections 27491 and 27491.4~~ *Section 27491* of, and to add Section 27491.42 to, the Government Code, relating to inquests.

LEGISLATIVE COUNSEL'S DIGEST

AB 2029, as amended, Cooley. Inquests: sudden unexplained death in childhood.

Existing law states findings and declarations of the Legislature that sudden infant death syndrome (SIDS) is the leading cause of death for children under age one. Under existing law, a coroner has a duty to inquire into and determine the circumstances, manner, and cause of, among other things, deaths where the suspected cause of death is sudden infant death syndrome. The coroner is required to perform an autopsy, within 24 hours or as soon thereafter as feasible, in any case where an infant has died suddenly and unexpectedly. Under existing law, it is a misdemeanor for a funeral director, physician, or other person who has charge of a deceased person's body to not immediately notify the coroner if death occurred as a result of any of the causes or circumstances that the coroner has a duty to inquire into.

This bill would expand the duty of the coroner to also inquire into and determine the circumstances, manner, and cause of deaths where

a child, who is one year of age or older but under 18 years of age, dies suddenly and unexpectedly or where the suspected cause of death is sudden unexplained death in childhood. This bill would define “sudden unexplained death in childhood” as the sudden death of a child one year of age or older but under 18 years of age that is unexplained by the history of the child and where a thorough postmortem examination fails to demonstrate an adequate cause of death. This bill would require the coroner to perform an autopsy ~~within 24 hours or~~ as soon thereafter as feasible in any case where a child has died suddenly and unexpectedly. This bill would also exempt the coroner from liability for damages in a civil action for any act or omission done in compliance with a specified statute.

By expanding the duties of a local agency and expanding the scope of an existing crime, this bill would create 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.

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 27491 of the Government Code is  
 2 amended to read:  
 3 27491. It is the duty of the coroner to inquire into and determine  
 4 the circumstances, manner, and cause of all violent, sudden, or  
 5 unusual deaths; unattended deaths; deaths if the deceased has not  
 6 been attended by either a physician or a registered nurse, who is  
 7 a member of a hospice care interdisciplinary team, as defined by  
 8 subdivision (g) of Section 1746 of the Health and Safety Code in  
 9 the 20 days before death; deaths related to or following known or  
 10 suspected self-induced or criminal abortion; known or suspected  
 11 homicide, suicide, or accidental poisoning; deaths known or

1 suspected as resulting in whole or in part from or related to accident  
2 or injury either old or recent; deaths due to drowning, fire, hanging,  
3 gunshot, stabbing, cutting, exposure, starvation, acute alcoholism,  
4 drug addiction, strangulation, aspiration, or if the suspected cause  
5 of death is sudden infant death syndrome; deaths where a child,  
6 who is one year of age or older but under 18 years of age, dies  
7 suddenly and unexpectedly, or where the suspected cause of death  
8 is sudden unexplained death in childhood; death in whole or in  
9 part occasioned by criminal means; deaths associated with a known  
10 or alleged rape or crime against nature; deaths in prison or while  
11 under sentence; deaths known or suspected as due to contagious  
12 disease and constituting a public hazard; deaths from occupational  
13 diseases or occupational hazards; deaths of patients in state mental  
14 hospitals serving the mentally disabled and operated by the State  
15 Department of State Hospitals; deaths of patients in state hospitals  
16 serving the developmentally disabled and operated by the State  
17 Department of Developmental Services; deaths under such  
18 circumstances as to afford a reasonable ground to suspect that the  
19 death was caused by the criminal act of another; and any deaths  
20 reported by physicians or other persons having knowledge of death  
21 for inquiry by coroner. Inquiry pursuant to this section does not  
22 include those investigative functions usually performed by other  
23 law enforcement agencies.

24 In any case in which the coroner conducts an inquiry pursuant  
25 to this section, the coroner or a deputy shall personally sign the  
26 certificate of death. If the death occurred in a state hospital, the  
27 coroner shall forward a copy of his or her report to the state agency  
28 responsible for the state hospital.

29 The coroner shall have discretion to determine the extent of  
30 inquiry to be made into any death occurring under natural  
31 circumstances and falling within the provisions of this section, and  
32 if inquiry determines that the physician of record has sufficient  
33 knowledge to reasonably state the cause of a death occurring under  
34 natural circumstances, the coroner may authorize that physician  
35 to sign the certificate of death.

36 For the purpose of inquiry, the coroner shall have the right to  
37 exhume the body of a deceased person when necessary to discharge  
38 the responsibilities set forth in this section.

39 Any funeral director, physician, or other person who has charge  
40 of a deceased person's body, when death occurred as a result of

1 any of the causes or circumstances described in this section, shall  
2 immediately notify the coroner. Any person who does not notify  
3 the coroner as required by this section is guilty of a misdemeanor.

4 SEC. 2.— Section 27491.4 of the Government Code is amended  
5 to read:

6 ~~27491.4.— (a) For purposes of inquiry the coroner shall, within~~  
7 ~~24 hours or as soon as feasible thereafter, where the suspected~~  
8 ~~cause of death is sudden infant death syndrome or sudden~~  
9 ~~unexplained death in childhood, and, in all other cases, the coroner~~  
10 ~~may, in his or her discretion, take possession of the body, which~~  
11 ~~shall include the authority to exhume the body, order it removed~~  
12 ~~to a convenient place, and make or cause to be made a postmortem~~  
13 ~~examination or autopsy thereon, and make or cause to be made an~~  
14 ~~analysis of the stomach, stomach contents, blood, organs, fluids,~~  
15 ~~or tissues of the body. The detailed medical findings resulting from~~  
16 ~~an inspection of the body or autopsy by an examining physician~~  
17 ~~shall be either reduced to writing or permanently preserved on~~  
18 ~~recording discs or other similar recording media, shall include all~~  
19 ~~positive and negative findings pertinent to establishing the cause~~  
20 ~~of death in accordance with medicolegal practice and this, along~~  
21 ~~with the written opinions and conclusions of the examining~~  
22 ~~physician, shall be included in the coroner’s record of the death.~~  
23 ~~The coroner shall have the right to retain only those tissues of the~~  
24 ~~body removed at the time of the autopsy as may, in his or her~~  
25 ~~opinion, be necessary or advisable to the inquiry into the case, or~~  
26 ~~for the verification of his or her findings. No person may be present~~  
27 ~~during the performance of a coroner’s autopsy without the express~~  
28 ~~consent of the coroner.~~

29 (b) ~~In any case in which the coroner knows, or has reason to~~  
30 ~~believe, that the deceased has made valid provision for the~~  
31 ~~disposition of his or her body or a part or parts thereof for medical~~  
32 ~~or scientific purposes in accordance with Chapter 3.5 (commencing~~  
33 ~~with Section 7150) of Part 1 of Division 7 of the Health and Safety~~  
34 ~~Code, the coroner shall neither perform nor authorize any other~~  
35 ~~person to perform an autopsy on the body unless the coroner has~~  
36 ~~contacted or attempted to contact the physician last in attendance~~  
37 ~~to the deceased. If the physician cannot be contacted, the coroner~~  
38 ~~shall then notify or attempt to notify one of the following of the~~  
39 ~~need for an autopsy to determine the cause of death: (1) the~~  
40 ~~surviving spouse; (2) a surviving child or parent; (3) a surviving~~

1 brother or sister; (4) any other kin or person who has acquired the  
 2 right to control the disposition of the remains. Following a period  
 3 of 24 hours after attempting to contact the physician last in  
 4 attendance and notifying or attempting to notify one of the  
 5 responsible parties listed above, the coroner may perform or  
 6 authorize the performance of an autopsy, as otherwise authorized  
 7 or required by law.

8 (e) Nothing in this section shall be deemed to prohibit the  
 9 discretion of the coroner to conduct autopsies upon any victim of  
 10 sudden, unexpected, or unexplained death or any death known or  
 11 suspected of resulting from an accident, suicide, or apparent  
 12 criminal means, or other death, as described in Section 27491.

13 ~~SEC. 3.~~

14 *SEC. 2.* Section 27491.42 is added to the Government Code,  
 15 to read:

16 27491.42. (a) For purposes of this article, “sudden unexplained  
 17 death in childhood” means the sudden death of a child one year  
 18 of age or older but under 18 years of age that is unexplained by  
 19 the history of the child and where a thorough postmortem  
 20 examination fails to demonstrate an adequate cause of death.

21 (b) ~~The Legislature finds and declares all of the following:~~

22 (1) ~~Sudden unexplained death in childhood accounts for 1.2~~  
 23 ~~deaths out of every 100,000 children.~~

24 (2) ~~Most deaths from sudden unexplained death in childhood~~  
 25 ~~occur between one year of age and three years of age, but~~  
 26 ~~researchers have studied cases of children as old as 15 years of~~  
 27 ~~age.~~

28 (3) ~~Sudden unexplained death in childhood cannot be predicted~~  
 29 ~~or prevented because the cause of sudden unexplained death in~~  
 30 ~~childhood is unknown.~~

31 (4) ~~The public interest is served by research and study of sudden~~  
 32 ~~unexplained death in childhood, and its potential causes and~~  
 33 ~~indications.~~

34 (e) (1) ~~To facilitate these purposes, the~~

35 (b) (1) ~~The~~ coroner shall, ~~within 24 hours, or as soon thereafter~~  
 36 as feasible, perform an autopsy in any case where a child, who is  
 37 one year of age or older but under 18 years of age, has died  
 38 suddenly and unexpectedly.

39 (2) However, if the attending physician desires to certify that  
 40 the cause of death is sudden unexplained death in childhood, an

1 autopsy may be performed at the discretion of the coroner. If the  
2 coroner performs an autopsy pursuant to this section, he or she  
3 shall certify the cause of death.

4 ~~(d)~~

5 (c) The coroner may take tissue samples for research purposes  
6 from children who have died suddenly and unexpectedly without  
7 consent of the responsible adult if the tissue removal is not likely  
8 to result in any visible disfigurement. The coroner shall notify the  
9 parent or responsible adult of the child about the importance of  
10 taking tissue samples.

11 ~~(e)~~

12 (d) A coroner shall not be liable for damages in a civil action  
13 for any act or omission in compliance with this section.

14 ~~(f)~~

15 (e) The consent of any person is not required prior to  
16 undertaking the autopsy required by this section.

17 ~~SEC. 4.~~

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

27 However, if the Commission on State Mandates determines that  
28 this act contains other costs mandated by the state, reimbursement  
29 to local agencies and school districts for those costs shall be made  
30 pursuant to Part 7 (commencing with Section 17500) of Division  
31 4 of Title 2 of the Government Code.