

AMENDED IN SENATE JUNE 17, 2014

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

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

February 20, 2014

An act to amend 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 as soon 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. *The bill would provide an exemption to these provisions if the requirements conflict with a parent or guardian’s sincerely held religious beliefs unless there is an overriding public health concern or a law enforcement officer reasonably suspects that a crime has been committed.*

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. (a) It is the duty of the coroner to inquire into and
 4 determine the circumstances, manner, and cause of all violent,
 5 sudden, or unusual deaths; unattended deaths; deaths if the
 6 deceased has not been attended by either a physician or a registered

1 nurse, who is a member of a hospice care interdisciplinary team,
2 as defined by subdivision (g) of Section 1746 of the Health and
3 Safety Code in the 20 days before death; deaths related to or
4 following known or suspected self-induced or criminal abortion;
5 known or suspected homicide, suicide, or accidental poisoning;
6 deaths known or suspected as resulting in whole or in part from
7 or related to accident or injury either old or recent; deaths due to
8 drowning, fire, hanging, gunshot, stabbing, cutting, exposure,
9 starvation, acute alcoholism, drug addiction, strangulation,
10 aspiration, or ~~if~~ *in which* the suspected cause of death is sudden
11 infant death syndrome; deaths ~~where~~ *in which* a child, who is one
12 year of age or older but under 18 years of age, dies suddenly and
13 unexpectedly, or ~~where~~ *in which* the suspected cause of death is
14 sudden unexplained death in childhood; death in whole or in part
15 occasioned by criminal means; deaths associated with a known or
16 alleged rape or crime against nature; deaths in prison or while
17 under sentence; deaths known or suspected as due to contagious
18 disease and constituting a public hazard; deaths from occupational
19 diseases or occupational hazards; deaths of patients in state mental
20 hospitals serving the mentally disabled and operated by the State
21 Department of State Hospitals; deaths of patients in state hospitals
22 serving the developmentally disabled and operated by the State
23 Department of Developmental Services; deaths under such
24 circumstances as to afford a reasonable ground to suspect that the
25 death was caused by the criminal act of another; and any deaths
26 reported by physicians or other persons having knowledge of death
27 for inquiry by coroner. Inquiry pursuant to this section does not
28 include those investigative functions usually performed by other
29 law enforcement agencies.

30 ~~In~~

31 *(b) In any case in which the coroner conducts an inquiry*
32 *pursuant to this section, the coroner or a deputy shall personally*
33 *sign the certificate of death. If the death occurred in a state hospital,*
34 *the coroner shall forward a copy of his or her report to the state*
35 *agency responsible for the state hospital.*

36 ~~The~~

37 *(c) The coroner shall have discretion to determine the extent of*
38 *inquiry to be made into any death occurring under natural*
39 *circumstances and falling within the provisions of this section, and*
40 *if inquiry determines that the physician of record has sufficient*

1 knowledge to reasonably state the cause of a death occurring under
2 natural circumstances, the coroner may authorize that physician
3 to sign the certificate of death.

4 ~~For~~

5 (d) For the purpose of inquiry, the coroner shall have the right
6 to exhume the body of a deceased person when necessary to
7 discharge the responsibilities set forth in this section.

8 ~~Any~~

9 (e) Any funeral director, physician, or other person who has
10 charge of a deceased person’s body, when death occurred as a
11 result of any of the causes or circumstances described in this
12 section, shall immediately notify the coroner. Any person who
13 does not notify the coroner as required by this section is guilty of
14 a misdemeanor.

15 (f) *This section shall not apply if the coroner’s inquiry into*
16 *deaths in which a child, who is one year of age or older but under*
17 *18 years of age, dies suddenly and unexpectedly, or in which the*
18 *suspected cause of death is sudden unexplained death in childhood,*
19 *conflicts with a parent or guardian’s sincerely held religious beliefs*
20 *or practices, unless there is an overriding public health concern*
21 *or a law enforcement officer reasonably suspects that a crime has*
22 *been committed.*

23 SEC. 2. Section 27491.42 is added to the Government Code,
24 to read:

25 27491.42. (a) For purposes of this article, “sudden unexplained
26 death in childhood” means the sudden death of a child one year
27 of age or older but under 18 years of age that is unexplained by
28 the history of the child and where a thorough postmortem
29 examination fails to demonstrate an adequate cause of death.

30 (b) (1) The coroner shall, as soon as feasible, perform an
31 autopsy in any case where a child, who is one year of age or older
32 but under 18 years of age, has died suddenly and unexpectedly.

33 (2) However, if the attending physician desires to certify that
34 the cause of death is sudden unexplained death in childhood, an
35 autopsy may be performed at the discretion of the coroner. If the
36 coroner performs an autopsy pursuant to this section, he or she
37 shall certify the cause of death.

38 (c) The coroner may take tissue samples for research purposes
39 from children who have died suddenly and unexpectedly without
40 consent of the responsible adult if the tissue removal is not likely

1 to result in any visible disfigurement. The coroner shall notify the
2 parent or responsible adult of the child about the importance of
3 taking tissue samples.

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

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

8 (f) *This section shall not apply if the requirements of this section*
9 *conflict with a parent or guardian's sincerely held religious beliefs*
10 *or practices, unless there is an overriding public health concern*
11 *or a law enforcement officer reasonably suspects that a crime has*
12 *been committed.*

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

22 However, if the Commission on State Mandates determines that
23 this act contains other costs mandated by the state, reimbursement
24 to local agencies and school districts for those costs shall be made
25 pursuant to Part 7 (commencing with Section 17500) of Division
26 4 of Title 2 of the Government Code.