

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1053**

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**Introduced by Assembly Member Mathis**

February 26, 2015

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An act to amend Section ~~800~~ of the ~~Military and Veterans Code~~, 102875 of, and to add Section 102791 to, the Health and Safety Code, relating to ~~military service~~: certificates of death.

LEGISLATIVE COUNSEL'S DIGEST

AB 1053, as amended, Mathis. ~~Military service: benefits~~: Certificates of death: veterans.

*Existing law establishes the State Department of Public Health under the direction of the State Public Health Officer. Existing law sets forth the powers and duties of the State Public Health Officer, including, but not limited to, designation as the State Registrar of Vital Statistics, having supervisory powers over local registrars and responsibility for the uniform and thorough enforcement of provisions relating to the registration of certain vital statistics.*

*Existing law requires that each death 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. Existing law sets forth the persons responsible for completing the certificate of death and the required contents of the certificate, including, but not limited to, the decedent's name, sex, and birthplace. Certain violations of these requirements are a crime.*

*This bill, commencing July 1, 2016, would require a person completing the certificate of death to record whether the decedent was ever in the Armed Forces of the United States and to include in the*

items relating to health data information, information on whether the cause of death is any manner of suicide. The bill would also require the local registrar to make information on veteran suicide available to the Department of Veterans Affairs and United States Department of Veterans Affairs.

By changing the definition of existing crimes, and by increasing the responsibility of local officials, this 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.

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.

~~Existing law authorizes a member of the United States Military Reserve or the National Guard who is called to active duty, as specified, to defer payments on certain obligations while serving on active duty.~~

~~This bill would make technical, nonsubstantive changes to this provision.~~

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

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

- 1 SECTION 1. The Legislature finds and declares the following:
- 2 (a) Every day 22 veterans take their own lives.
- 3 (b) Thirty percent of veterans have considered suicide.
- 4 (b) The number of veterans who take their own lives is likely
- 5 much higher as certificates of death do not require veteran status
- 6 to be listed and may be under reporting the number of suicides.
- 7 SEC. 2. Section 102875 of the Health and Safety Code is
- 8 amended to read:
- 9 102875. The certificate of death shall be divided into two
- 10 sections.

1 (a) The first section shall contain those items necessary to  
2 establish the fact of the death, including all of the following and  
3 those other items as the State Registrar may designate:

4 (1) (A) Personal data concerning decedent including full name,  
5 sex, color or race, marital status, name of spouse, date of birth and  
6 age at death, birthplace, usual residence, ~~and~~ occupation and  
7 industry or ~~business~~; *business, and, commencing July 1, 2016,*  
8 *whether the decedent was ever in the armed forces of the United*  
9 *States.*

10 (B) ~~Commencing July 1, 2015,~~ a A person completing the  
11 certificate shall record the decedent's sex to reflect the decedent's  
12 gender identity. The decedent's gender identity shall be reported  
13 by the informant, unless the person completing the certificate is  
14 presented with a birth certificate, a driver's license, a social security  
15 record, a court order approving a name or gender change, a  
16 passport, an advanced health care directive, or proof of clinical  
17 treatment for gender transition, in which case the person completing  
18 the certificate shall record the decedent's sex as that which  
19 corresponds to the decedent's gender identity as indicated in that  
20 document. If none of these documents are presented and the person  
21 with the right, or a majority of persons who have equal rights, to  
22 control the disposition of the remains pursuant to Section 7100 is  
23 in disagreement with the gender identity reported by the informant,  
24 the gender identity of the decedent recorded on the death certificate  
25 shall be as reported by that person or majority of persons.

26 (C) ~~Commencing July 1, 2015, if~~ *If* a document specified in  
27 subparagraph (B) is not presented and a majority of persons who  
28 have equal rights to control the disposition of the remains pursuant  
29 to Section 7100 do not agree with the gender identity of the  
30 decedent as reported by the informant, any one of those persons  
31 may file a petition, in the superior court in the county in which the  
32 decedent resided at the time of his or her death, or in which the  
33 remains are located, naming as a party to the action those persons  
34 who otherwise have equal rights to control the disposition and  
35 seeking an order of the court determining, as appropriate, who  
36 among those parties shall determine the gender identity of the  
37 decedent.

38 (D) ~~Commencing July 1, 2015,~~ a A person completing the death  
39 certificate in compliance with subparagraph (B) is not liable for

1 any damages or costs arising from claims related to the sex of the  
2 decedent as entered on the certificate of death.

3 (E) ~~Commencing July 1, 2015, a~~A person completing the death  
4 certificate shall comply with the data and certification requirements  
5 described in Section 102800 by using the information available to  
6 him or her prior to the deadlines for completion specified in that  
7 section.

8 (2) Date of death, including month, day, and year.

9 (3) Place of death.

10 (4) Full name of father and birthplace of father, and full maiden  
11 name of mother and birthplace of mother.

12 (5) Informant.

13 (6) Disposition of body information, including signature and  
14 license number of ~~embalmer~~ *embalmer*; if *the body is embalmed*  
15 *embalmed*, or name of embalmer if affixed by attorney-in-fact;  
16 name of funeral director, or person acting as such; and date and  
17 place of interment or removal. Notwithstanding any other ~~provision~~  
18 ~~of law to the contrary~~, *law*, an electronic signature substitute, or  
19 some other indicator of authenticity, approved by the State  
20 Registrar may be used in lieu of the actual signature of the  
21 embalmer.

22 (7) Certification and signature of attending physician and  
23 surgeon or certification and signature of coroner when required to  
24 act by law. Notwithstanding any other ~~provision of law to the~~  
25 ~~contrary~~, *law*, the person completing the portion of the certificate  
26 setting forth the cause of death may attest to its accuracy by use  
27 of an electronic signature substitute, or some other indicator of  
28 authenticity, approved by the State Registrar in lieu of a signature.

29 (8) Date accepted for registration and signature of local registrar.  
30 Notwithstanding any other ~~provision of law to the contrary~~, *law*,  
31 the local registrar may elect to use an electronic signature  
32 substitute, or some other indicator of authenticity, approved by  
33 the State Registrar in lieu of a signature.

34 (b) The second section shall contain those items relating to  
35 medical and health data, including all of the following and other  
36 items as the State Registrar may designate:

37 (1) Disease or conditions leading directly to death and  
38 antecedent causes.

39 (2) Operations and major findings thereof.

40 (3) Accident and injury information.

1 (4) Information indicating whether the decedent was pregnant  
2 at the time of death, or within the year prior to the death, if known,  
3 as determined by observation, autopsy, or review of the medical  
4 record. This paragraph shall not be interpreted to require the  
5 performance of a pregnancy test on a decedent, or to require a  
6 review of medical records in order to determine pregnancy.

7 (5) *Commencing July 1, 2016, information indicating whether*  
8 *the cause of death was suicide. This information shall include all*  
9 *methods of suicide, including suicides that involve law enforcement,*  
10 *also known as “suicide by cop.”*

11 *SEC. 3. Section 102791 is added to the Health and Safety Code,*  
12 *to read:*

13 *102791. Commencing July 1, 2016, the local registrar shall*  
14 *make data on veteran suicides available to the Department of*  
15 *Veterans Affairs and the United States Department of Veterans*  
16 *Affairs.*

17 *SEC. 4. No reimbursement is required by this act pursuant to*  
18 *Section 6 of Article XIII B of the California Constitution for certain*  
19 *costs that may be incurred by a local agency or school district*  
20 *because, in that regard, this act creates a new crime or infraction,*  
21 *eliminates a crime or infraction, or changes the penalty for a crime*  
22 *or infraction, within the meaning of Section 17556 of the*  
23 *Government Code, or changes the definition of a crime within the*  
24 *meaning of Section 6 of Article XIII B of the California*  
25 *Constitution.*

26 *However, if the Commission on State Mandates determines that*  
27 *this act contains other costs mandated by the state, reimbursement*  
28 *to 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.*

31 ~~SECTION 1. Section 800 of the Military and Veterans Code~~  
32 ~~is amended to read:~~

33 ~~800. (a) (1) Subject to subdivision (b), in addition to any other~~  
34 ~~benefit provided by law, and to the extent permitted by federal~~  
35 ~~law, any member of the United States Military Reserve or the~~  
36 ~~National Guard of this state who is called to active duty after the~~  
37 ~~enactment of this chapter and before January 1, 2014, as a part of~~  
38 ~~the Iraq and Afghanistan conflicts, may defer payments on any of~~  
39 ~~the following obligations while serving on active duty:~~

40 ~~(A) An obligation secured by a mortgage or deed of trust.~~

- 1 ~~(B) Credit card, as defined in Section 1747.02 of the Civil Code.~~
- 2 ~~(C) Retail installment contract, as defined in Section 1802.6 of~~
- 3 ~~the Civil Code.~~
- 4 ~~(D) Retail installment account, installment account, or revolving~~
- 5 ~~account, as defined in Section 1802.7 of the Civil Code.~~
- 6 ~~(E) Up to two vehicle loans.~~
- 7 ~~(F) Any payment of property tax or special assessment of in-lieu~~
- 8 ~~property tax imposed on real property that is assessed on residential~~
- 9 ~~property owned by the reservist and used as that reservist's primary~~
- 10 ~~place of residence on the date the reservist was ordered to active~~
- 11 ~~duty.~~
- 12 ~~(2) Subject to subdivision (b), in addition to any other benefit~~
- 13 ~~provided by law, and to the extent permitted by federal law, a~~
- 14 ~~reservist who is called to active duty on and after January 1, 2014,~~
- 15 ~~may defer payments on any of the following obligations while~~
- 16 ~~serving on active duty:~~
- 17 ~~(A) An obligation secured by a mortgage or deed of trust.~~
- 18 ~~(B) Credit card, as defined in Section 1747.02 of the Civil Code.~~
- 19 ~~(C) Retail installment contract, as defined in Section 1802.6 of~~
- 20 ~~the Civil Code.~~
- 21 ~~(D) Retail installment account, installment account, or revolving~~
- 22 ~~account, as defined in Section 1802.7 of the Civil Code.~~
- 23 ~~(E) Up to two vehicle loans.~~
- 24 ~~(F) Any payment of property tax or special assessment of in-lieu~~
- 25 ~~property tax imposed on real property that is assessed on residential~~
- 26 ~~property owned by the reservist and used as that reservist's primary~~
- 27 ~~place of residence on the date the reservist was ordered to active~~
- 28 ~~duty.~~
- 29 ~~(G) Any obligation owed to a utility company.~~
- 30 ~~(b) (1) In order for an obligation or liability of a reservist to be~~
- 31 ~~subject to this chapter, the reservist or the reservist's designee shall~~
- 32 ~~deliver to the obligor both of the following:~~
- 33 ~~(A) A letter signed by the reservist, under penalty of perjury,~~
- 34 ~~requesting a deferment of financial obligations.~~
- 35 ~~(B) A copy of the reservist's activation or deployment order~~
- 36 ~~and any other information that substantiates the duration of the~~
- 37 ~~service member's military service.~~
- 38 ~~(2) If required by a financial institution, proof that the reservist's~~
- 39 ~~employer does not provide continuing income to the reservist while~~
- 40 ~~the reservist is on active military duty, including the reservist's~~

- 1 military pay, of more than 90 percent of the reservist's monthly  
2 salary and wage income earned before the call to active duty.
- 3 (e) Upon request of the reservist or the reservist's dependent or  
4 designee and within five working days of that request, if applicable,  
5 the employer of a reservist shall furnish the letter or other  
6 comparable evidence showing that the employer's compensation  
7 policy does not provide continuing income to the reservist,  
8 including the reservist's military pay, of more than 90 percent of  
9 the reservist's monthly salary and wage income earned before the  
10 call to active duty.
- 11 (d) The deferral period on financial obligations shall be the  
12 lesser of 180 days or the period of active duty plus 60 calendar  
13 days, and shall apply only to those payments due subsequent to  
14 the notice provided to a lender as provided in subdivision (b). In  
15 addition, the total period of the deferment shall not exceed 180  
16 days within a 365-day period.
- 17 (e) If a lender defers payments on a closed-end credit obligation  
18 or an open-end credit obligation with a maturity date, pursuant to  
19 this chapter, the lender shall extend the term of the obligation by  
20 the amount of months the obligation was deferred.
- 21 (f) If a lender defers payments on an open-end credit obligation  
22 pursuant to this chapter, the lender may restrict the availability of  
23 additional credit with respect to that obligation during the term of  
24 the deferral.
- 25 (g) For purposes of this chapter, "vehicle" means a vehicle as  
26 defined in Section 670 of the Vehicle Code.