

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

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

February 20, 2004

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 of a county elder death review team, to make available and assist the electronic transfer 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. The bill would authorize an organization represented on an elder death review team to request and obtain copies of death certificates, subject to existing law confidentiality and disclosure requirements. 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:

SECTION 1. Section 102336 is added to the Health and Safety Code, to read:

102336. Notwithstanding paragraph (2) of subdivision (b) of Section 11174.8 of the Penal Code, upon the request of a member of a county elder death review team established pursuant to Article 2.7 (commencing with Section 11174.4) of Chapter 2 of Title 1 of Part 4 of *births and* the Penal Code, a local registrar of deaths shall make available and assist the electronic transfer of information from a certificate of death to the county elder death review team, in accordance with the Internet-based electronic death registration system established by the State Department of Health Services pursuant to Section 102778, in any county that has access to the statewide system.

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

11174.85. An organization represented on an elder death review team may request and obtain copies of certificates of death from the local registrar of *births and* deaths. Each organization represented on an elder death review team may share with any other member of the team any information obtained from a death certificate obtained from the local registrar of *births and* deaths. Information received by a member of an elder death review team pursuant to this section shall be subject to the confidentiality and disclosure requirements of Section 11174.8.

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

However, notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the

- 1 claim for reimbursement does not exceed one million dollars
- 2 (\$1,000,000), reimbursement shall be made from the State
- 3 Mandates Claims Fund.

O

