

**Assembly Bill No. 551**

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Passed the Assembly September 10, 2019

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*Chief Clerk of the Assembly*

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Passed the Senate September 5, 2019

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2019, at \_\_\_\_\_ o'clock \_\_\_\_M.

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*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

An act to amend Section 27491.25 of the Government Code, and to amend Section 20011 of the Vehicle Code, relating to fatal vehicular accidents.

## LEGISLATIVE COUNSEL'S DIGEST

AB 551, Brough. Fatal vehicular accidents: chemical test results.

Existing law sets forth the duties and authority of a county coroner. Existing law authorizes a county board of supervisors, by ordinance, to abolish the office of coroner and provide instead for the office of medical examiner, to be appointed by the board and to exercise the powers and perform the duties of the coroner.

Existing law requires a county coroner, or the coroner's appointed deputy, upon notification of a death involving a motor vehicle, as specified, to take blood and urine samples from the body of the deceased and make related chemical tests to determine the alcoholic contents, if any, of the body. Existing law authorizes the coroner to perform other chemical tests, as deemed appropriate. Existing law requires the detailed medical findings resulting from these examinations to be reduced to writing or otherwise permanently preserved, as specified. These requirements do not apply to testing of deceased persons under 15 years of age unless circumstances indicate the possibility of alcohol or specified drug consumption, and do not apply when the death has occurred more than 24 hours after the accident.

This bill would additionally apply these provisions to a county medical examiner. The bill would require the coroner or medical examiner to perform screening and confirmatory tests of specified drugs, and to include blood alcohol content and blood drug concentrations in the detailed medical findings, when available. The bill would require a coroner or medical examiner to use antemortem samples, if available, if the decedent was hospitalized prior to death. The bill would revise the provisions applicable to a decedent under 15 years of age, including prohibiting application of the provisions if the period between the accident and death is more than 48 hours, rather than 24 hours.

Existing law requires a county coroner, on or before the 10th day of each month, to report in writing to the Department of the California Highway Patrol the death of any person during the preceding calendar month as the result of an accident involving a motor vehicle and the circumstances of the accident.

The bill would require a coroner or medical examiner under the above circumstances to report in writing chemical test results including blood alcohol content and blood drug concentrations, when available.

By imposing new requirements on county coroners and medical examiners, 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

SECTION 1. Section 27491.25 of the Government Code is amended to read:

27491.25. (a) The coroner or medical examiner, or their appointed deputy, on being notified of a death occurring while the deceased was driving or riding in a motor vehicle, or as a result of the deceased being struck by a motor vehicle, shall take blood and other biological samples, when appropriate, from the body of the deceased before it has been prepared for burial and make appropriate related chemical tests to determine the alcoholic contents, if any, of the body. The coroner or medical examiner shall perform other drug screening and confirmatory tests, including, but not limited to, opioids including fentanyl, benzodiazepines, methamphetamine and related amphetamines, and cocaine.

(b) The detailed medical findings, resulting from those examinations that are conducted, shall either be reduced to writing or permanently preserved on recording discs or other similar recording media and shall include all positive and negative findings

pertinent to the presence or absence of any alcoholic or other substance content. Blood alcohol content and blood drug concentrations shall be provided when available.

(c) This section does not apply to the testing of a deceased person under 15 years of age unless the surrounding circumstances indicate the possibility of alcohol or drug consumption, nor shall it apply when the death has occurred more than 48 hours after the accident.

(d) For purposes of this section, hospital antemortem samples, if available, shall be used in place of postmortem samples if the decedent was hospitalized prior to death.

SEC. 2. Section 20011 of the Vehicle Code is amended to read:

20011. A coroner or medical examiner shall on or before the 10th day of each month report in writing to the Department of the California Highway Patrol the death of any person during the preceding calendar month as the result of an accident involving a motor vehicle and the circumstances of the accident. Chemical test results, including blood alcohol content and blood drug concentrations, shall be reported in writing when available.

SEC. 3. If the Commission on State Mandates determines that this act contains 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.







Approved \_\_\_\_\_, 2019

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*Governor*