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AB-271 Homeless death review committees. (2023-2024)

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Assembly Bill No. 271

CHAPTER 135

An act to add Article 2.4 (commencing with Section 11163.70) to Chapter 2 of Title 1 of Part 4 of the Penal Code, relating to homelessness.

[Approved by Governor September 01, 2023. Filed with Secretary of State September 01, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 271, Quirk-Silva. Homeless death review committees.

Existing law authorizes counties to establish interagency child death teams and elder death teams to assist local agencies in identifying and reviewing suspicious deaths and facilitating communications between local organizations for the purposes of reducing the incidence of abuse and neglect.

This bill would authorize counties to establish a homeless death review committee for the purposes of gathering information to identify the root causes of death of homeless individuals and to determine strategies to improve coordination of services for the homeless population. The bill would establish procedures for the sharing or disclosure of specified information by a homeless death review committee.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Article 2.4 (commencing with Section 11163.70) is added to Chapter 2 of Title 1 of Part 4 of the Penal Code, to read:

Article 2.4. Homeless Death Review Committees

11163.70. For purposes of this article, unless the context requires otherwise, "homeless" has the same meaning as in subdivision (d) of Section 16523 of the Welfare and Institutions Code.

11163.71. (a) A county may establish a homeless death review committee to assist local agencies in identifying the root causes of death of homeless individuals and facilitating communication among persons who perform autopsies and the various persons and agencies involved in supporting the homeless population.

(b) A county that establishes a homeless death review committee pursuant to subdivision (a) may develop a protocol to be used as guidelines by persons performing autopsies on homeless individuals to assist coroners and other persons who perform autopsies in the identification of the cause and mode of death of the individual.

11163.72. (a) An oral or written communication or a document shared within or produced by a homeless death review committee related to a homeless death review is confidential and not subject to disclosure or discoverable by another third party.

(b) An oral or written communication or a document provided by a third party to a homeless death review committee, or between a third party and a homeless death review committee, is confidential and not subject to disclosure or discoverable by a third party.

(c) Notwithstanding subdivisions (a) and (b), recommendations of a homeless death review committee upon the completion of a review may be disclosed at the discretion of a majority of the members of the homeless death review committee.

11163.73. (a) An organization represented on the homeless death review committee may share with other members of the committee information in its possession concerning the decedent who is the subject of the review or any person who was in contact with the decedent and any other information deemed by the organization to be pertinent to the review. Information shared by an organization with other members of a team is confidential. The intent of this subdivision is to permit the disclosure to members of the committee of any information deemed confidential, privileged, or prohibited from disclosure by any other law.

(b) (1) Written and oral information may be disclosed to a homeless death review committee established pursuant to this article. The team may make a request in writing for the information sought and any person with information of the kind described in paragraph (3) may rely on the request in determining whether information may be disclosed to the team.

(2) An individual or agency that has information governed by this article shall not be required to disclose information. The intent of this subdivision is to allow the voluntary disclosure of information by the individual or agency that has the information.

(3) The following information may be disclosed pursuant to this article:

(A) Notwithstanding Section 56.10 of the Civil Code, medical information.

(B) Notwithstanding Section 5328 of the Welfare and Institutions Code, mental health information.

(C) State summary criminal history information, criminal offender record information, and local summary criminal history information, as defined in Sections 11075, 11105, and 13300.

(D) Notwithstanding Section 11163.2, information pertaining to reports by health practitioners of persons suffering from physical injuries inflicted by means of a firearm or of persons suffering physical injury where the injury is a result of assaultive or abusive conduct.

(E) Information provided to probation officers in the course of the performance of their duties, including, but not limited to, the duty to prepare reports pursuant to Section 1203.10, as well as the information on which these reports are based.

(F) Notwithstanding Section 10850 of the Welfare and Institutions Code, public social services information for which grants-in-aid are received by this state from the United States government.

(G) Notwithstanding Section 14100.2 of the Welfare and Institutions Code, Medi-Cal information.

(H) Notwithstanding Section 17006 of the Welfare and Institutions Code, general relief information.

(I) Notwithstanding Sections 15633 and 15633.5 of the Welfare and Institutions Code, reports of suspected elder or dependent adult abuse and the information contained therein, and information relevant to the incident of abuse, except the identity of persons who have made reports, which shall not be disclosed.

(c) Written and oral information may be disclosed under this section notwithstanding Sections 2263, 2918, 4982, and 6068 of the Business and Professions Code, the lawyer-client privilege protected by Article 3 (commencing with Section 950) of Chapter 4 of Division 8 of the Evidence Code, the physician-patient privilege protected by Article 6 (commencing with Section 990) of Chapter 4 of Division 8 of the Evidence Code, and the psychotherapist-patient privilege protected by Article 7 (commencing with Section 1010) of Chapter 4 of Division 8 of the Evidence Code.

11163.74. Information gathered by the homeless death review committee and any recommendations made by the committee shall be used by the county to develop education and prevention strategies that will lead to improved coordination of services for the homeless population.