
THIRD READING

Bill No: AB 1608
Author: Gipson (D) and Akilah Weber (D), et al.
Amended: 6/30/22 in Senate
Vote: 21

SENATE GOVERNANCE & FIN. COMMITTEE: 4-1, 6/22/22
AYES: Caballero, Durazo, Hertzberg, Wiener
NOES: Nielsen

SENATE PUBLIC SAFETY COMMITTEE: 4-1, 6/28/22
AYES: Bradford, Kamlager, Skinner, Wiener
NOES: Ochoa Bogh

SENATE APPROPRIATIONS COMMITTEE: 5-2, 8/11/22
AYES: Portantino, Bradford, Laird, McGuire, Wieckowski
NOES: Bates, Jones

SENATE FLOOR: 13-14, 8/30/22 (FAIL)
AYES: Allen, Atkins, Becker, Bradford, Cortese, Durazo, Kamlager, Leyva, Pan,
Portantino, Skinner, Wieckowski, Wiener
NOES: Archuleta, Bates, Borgeas, Dahle, Dodd, Grove, Hurtado, Jones, Laird,
Melendez, Nielsen, Ochoa Bogh, Roth, Wilk
NO VOTE RECORDED: Caballero, Eggman, Glazer, Gonzalez, Hertzberg,
Hueso, Limón, McGuire, Min, Newman, Rubio, Stern, Umberg

ASSEMBLY FLOOR: 44-20, 5/16/22 - See last page for vote

SUBJECT: County officers: consolidation of offices

SOURCE: ACLU California Action
California Faculty Association
California Medical Association
Justice for Angelo Quinto! Justice for All! Coalition
Secure Justice
The Miles Hall Foundation
Union of American Physicians and Dentists

DIGEST: This bill removes counties' ability to consolidate the offices of the sheriff and coroner, and specifies that if the offices of sheriff and coroner were consolidated before January 1, 2023, the board of supervisors must separate those offices.

ANALYSIS:

Existing law:

- 1) Establishes the number, appointment, and election procedures for county officials, including the board of supervisors.
- 2) Requires, under the California Constitution, all counties to elect a sheriff, district attorney, assessor, and board of supervisors.
- 3) Establishes in statute additional offices, including the sheriff and coroner.
- 4) Allows counties to adopt charters to specify their own governance structure, including electing additional supervisors and appointing or electing additional officers.
- 5) Tasks the coroner with determining the circumstances, cause, and manner of certain deaths, such as deaths that are violent, sudden, or unusual, or potentially stem from criminal activity.
- 6) Allows the board of supervisors to enact an ordinance to consolidate the sheriff and coroner into a single elected office or abolish the office of coroner and instead appoint a medical examiner to carry out the coroner's duties.
- 7) Requires a medical examiner to be a licensed physician and surgeon specializing in pathology, and requires any forensic autopsy to determine the cause of death to be done by a medical professional.
- 8) Prohibits, where an individual dies as a result of law enforcement activity, law enforcement involved in the death from entering the autopsy suite or having any involvement in the examination.

This bill:

- 1) Eliminates the authority of a county board of supervisors to consolidate the duties of the sheriff with the duties of the coroner.

- 2) Specifies that if the offices of sheriff and coroner were consolidated before January 1, 2023, the board of supervisors must separate those offices.
- 3) Provides that for counties with consolidated sheriff-coroners as of January 1, 2023, the separation becomes effective upon the conclusion of the term of the person elected or appointed, on or before January 1, 2023.

Background

Counties fall into two types: “general law” and “charter.” General law counties are organized according to the generally applicable laws for county governance established by the Legislature that set the number, appointment, and election procedures for county officials, including the board of supervisors. Charter counties have greater leeway to determine their own governance structure, including to elect additional supervisors and appoint or elect additional officers. A new charter, or the amendment of an existing charter, may be proposed by the Board of Supervisors, a charter commission, or an initiative petition. There are 14 charter counties: Alameda, Butte, El Dorado, Fresno, Los Angeles, Orange, Placer, Sacramento, San Bernardino, San Diego, San Francisco, San Mateo, Santa Clara, and Tehama. Most large counties are charter counties: eight of the ten largest counties by population have adopted charters.

Of California’s 58 counties, 48 have consolidated their sheriff and coroner offices. Seven counties have independent medical examiners (Alameda, Los Angeles, San Diego, San Francisco, San Joaquin, Santa Clara, and Ventura). Three counties have separate sheriff and coroner offices (Inyo, Sacramento, and San Mateo).

Comments

- 1) *Purpose of this bill.* According to the author, “California is one of only three states that still allows counties to combine the offices of coroner and sheriff. Current state law does not require a sheriff to have any medical background or certification to assume the duties of a coroner and as a result has caused a discrepancy in whether a medical diagnosis is valid when there is an officer-related death. Thus, this bill is heavily supported by the medical community and will put California at the forefront and in line with the rest of the states that have already advanced this policy. AB 1608 stems from two bills, AB 1196 (Gipson) and AB 490 (Gipson), which Governor Newsom signed in light of the tragic deaths of George Floyd and Angelo Quinto. As a follow-up to these efforts, AB 1608 will serve as a building block to create complete transparency in determining the cause of death of an individual. Specifically, this bill would separate the duties of the coroner from the duties of the sheriff, strengthening

the need for a more transparent and just medical examination process. AB 1608 will provide families with peace of mind that these investigations and processes are done righteously and fairly. This legislation sets a clear pathway in creating a system that prioritizes objectivity, transparency, and accountability – and most importantly justice.”

- 2) *Home rule.* State law allows counties to consolidate various offices, including the sheriff and coroner. However, counties can also decide not to consolidate these positions, or adopt an ordinance to abolish the coroner position and provide instead for the office of an independent medical examiner. Also, with majority voter approval, a county can adopt, amend, or repeal a charter that grants it home rule authority over specified matters, including county office consolidations or creating new offices that state law does not authorize general law counties to create. State law gives counties various options to respond to community concerns regarding the independence of the sheriff and coroner positions. Instead of keeping these decisions at the local level, AB 1608 decides that no county should have a consolidated sheriff-coroner position, except for those with charters that provide for such a consolidation. Should decisions regarding sheriff and coroner offices remain at the local level?
- 3) *Sure, but will it work?* Separating the duties of the sheriff and coroner into separate offices could create a degree of separation between the sheriff and the coroner who would make decisions about how someone dies at the hands of law enforcement. However, state law does not establish specific eligibility requirements for coroners. While some counties may decide to eliminate their coroner position to create an independent medical examiner’s office like the County of San Joaquin, they would have to find resources to hire an experienced physician. Other counties may end up electing a coroner, who could also be a law enforcement official, limiting that degree of separation with the sheriff’s office. Could potential conflicts of interest be more directly addressed in other ways that with less of an impact on these counties’ governance? For example, would requiring sheriff-coroners to refer out these investigations for independent medical examinations be a better way to address potential conflicts of interest?

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Senate Appropriations Committee, “Unknown reimbursable local mandate costs, likely in excess of \$10 million for one-time local costs to separate sheriff and coroner offices in 48 counties and establish an independent coroner or medical examiner’s office, as well as ongoing significant costs to operate those

offices separately. Actual state costs would be subject to a determination by the Commission on State Mandates regarding what local expenditures are deemed reimbursable, to the extent a successful reimbursement claim is filed by an affected county. (General Fund)”

SUPPORT: (Verified 8/12/22)

ACLU California Action (co-source)
California Faculty Association (co-source)
California Medical Association (co-source)
Justice for Angelo Quinto! Justice for All! Coalition (co-source)
Secure Justice (co-source)
The Miles Hall Foundation (co-source)
Union of American Physicians and Dentists (co-source)
Alameda County Families Advocating for the Seriously Mentally Ill
Alliance San Diego
American Civil Liberties Union of Northern California
American Federation of State, County and Municipal Employees, AFL-CIO
American Friends Service Committee
Arab Resource and Organizing Center
Asian Pacific American Labor Alliance, AFL-CIO
Asian Prisoner Support Committee
Borderlands for Equity
CalAware
California Coalition for Women Prisoners
California Families United 4 Justice
California Hawaii State Conference of the NAACP
California Immigrant Policy Center
California Innocence Coalition: Northern California Innocence Project, Loyola
Project for the Innocent
California News Publishers Association
California Public Defenders Association
Californians for Safety and Justice
Chispa, a Project of Tides Advocacy
City and County of San Francisco Board of Supervisors
City of Berkeley
Coalition for Police Accountability
Communities United for Restorative Youth Justice
Community Legal Services in East Palo Alto
Conference of California Bar Associations
County of Los Angeles

Courage California
Democratic Party of Contra Costa County
Democratic Party of the San Fernando Valley
Democrats of Rossmoor
Ella Baker Center for Human Rights
Faith in Action Bay Area
Faith in Action East Bay
Filipino Community Center
Human Impact Partners
Ice Out of Marin
Immigrant Defense Advocates
Immigrant Legal Resource Center
Indivisible Sacramento
Initiate Justice
Interfaith Movement for Human Integrity
Kehilla Community Synagogue
Legal Services for Prisoners with Children
LiveFree California
Los Angeles County District Attorney's Office
Mighty Vote
National Association of Social Workers, California Chapter
National Lawyers Guild Orange County, California
National Press Photographers Association
National Writers Union LA
Nextgen California
Oakland Privacy
Orange County Rapid Response Network
People's Budget Orange County
Physicians for Human Rights
Radio Television Digital News Association
San Mateo County Participatory Defense
Silicon Valley De-bug
Society of Professional Journalists, Greater Los Angeles Chapter
Stop the Musick Coalition
The Young Women's Freedom Center
Transforming Justice OC
Underground Grit
Underground Scholars Initiative At the University of California, Irvine
Wellstone Democratic Renewal Club
Young Women's Freedom Center

OPPOSITION: (Verified 8/12/22)

California State Association of Counties
California State Coroners' Association
California State Sheriffs' Association
California Statewide Law Enforcement Association
County of Butte
County of Colusa
County of Merced
County of Napa
County of Solano
County of Stanislaus
County of Tuolumne
Peace Officers Research Association of California
Riverside County Sheriff's Office
Riverside Sheriffs' Association
Rural County Representatives of California

ASSEMBLY FLOOR: 44-20, 5/16/22

AYES: Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Berman, Bloom, Boerner
Horvath, Mia Bonta, Bryan, Calderon, Carrillo, Cervantes, Cooley, Daly, Mike
Fong, Friedman, Gabriel, Cristina Garcia, Eduardo Garcia, Gipson, Grayson,
Haney, Holden, Irwin, Jones-Sawyer, Kalra, Lee, Levine, Maienschein,
McCarty, Medina, Mullin, O'Donnell, Quirk, Reyes, Luz Rivas, Robert Rivas,
Santiago, Stone, Ward, Akilah Weber, Wicks, Wilson, Rendon

NOES: Bigelow, Chen, Choi, Megan Dahle, Davies, Flora, Fong, Gallagher, Gray,
Kiley, Lackey, Mathis, Nguyen, Patterson, Salas, Seyarto, Smith, Valladares,
Voepel, Waldron

NO VOTE RECORDED: Cooper, Cunningham, Low, Mayes, Muratsuchi,
Nazarian, Petrie-Norris, Quirk-Silva, Ramos, Rodriguez, Blanca Rubio, Ting,
Villapudua, Wood

Prepared by: Jonathan Peterson / GOV. & F. / (916) 651-4119
8/31/22 10:28:02

**** **END** ****