



## Senate Bill 1071: Death Certificates: Amending the Manner of Death “Not an Accident”

### Summary

Senate Bill 1071 would provide a legal mechanism to amend the manner of death on a death certificate after a court judgment to ensure that the manner of death is not classified as an accident when there is a legal finding of homicide.

### Issue

Following a person’s death, a death certificate is issued that lists both a **cause of death** and **manner of death**.

A person’s cause of death is determined by a doctor, medical examiner, or coroner and is based on the medical cause of death, such as asphyxiation, gunshot wound, blunt force trauma, etc. Based on the autopsy and other facts related to the death, there are a wide variety of causes that can be listed.

On the other hand, the manner of death is limited to only five categories: homicide, accident, natural, suicide, and undetermined.

Both the cause and manner of a person’s death are transmitted to the State Registrar and the Department of Public Health–Vital Records (CDPH-VR), where it is used to form the basis for the issuance of a certified death certificate.

The information is also used by the CDPH to compile vital statistics and data that inform public health research and policy development. Additionally, the public may use the California Vital Data Query tool<sup>1</sup> to run queries on this

information. One of the options is to classify by manner of death.

### Existing Law

Under current law, only next of kin may request an amendment to the cause of death if the request is accompanied by a physician’s certification.<sup>2</sup>

Next of kin may also request an amendment to correct typographical errors to personal information on a death certificate.

However, existing law does not provide a path for next of kin to amend the manner of death.

### Background

When a victim is killed by a drunk or impaired driver, the medical examiner or coroner classifies the manner of death as an accident, not a homicide. This is because, at the time of the autopsy, the pathologist does not have all the information necessary to rule it a homicide.

However, after a court has considered the facts and circumstances that led to the victim’s death, and the court has rendered a judgment, this can lead to a legal determination of homicide.

Once all appellate rights have been exhausted, the victim’s next of kin should be allowed to use the legal determination by a court to request that a loved one’s official death certificate list the manner of death as homicide, not accident.

<sup>1</sup> [Cal-ViDa](#): California Vital Data Query Tool

<sup>2</sup> [CA Department of Public Health](#)

This will ensure that legal judgments by courts of law are accurately reflected on a victim's official death certificate.

Bill text and status can be found at <http://leginfo.legislature.ca.gov/>

### **Solution**

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SB 1071 would allow a victim's next of kin to request an amendment to a loved one's death certificate to ensure that it reflects the legal finding of the manner of death.

The bill does not attempt to change a physician's or pathologist's autopsy protocol or a coroner's report, but rather to provide an official record that reflects a court's legal determination.

This change in the law will provide better statistics and data to inform public health, criminal justice, research, and policy systems at multiple levels.

Drunk and impaired driving deaths are up in California, and death certificates should accurately categorize these deaths as homicides, not accidents.

### **For More Information**

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More information on the *Not an Accident* campaign can be found at <http://notanaccident.info/>