

Senate Engrossed

State of Arizona  
Senate  
Forty-fifth Legislature  
First Regular Session  
2001

CHAPTER 256

# SENATE BILL 1105

AN ACT

AMENDING SECTION 36-2291, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 22, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 36-2292 AND 36-2293; AMENDING SECTION 41-1822, ARIZONA REVISED STATUTES; RELATING TO SUDDEN INFANT DEATH SYNDROME.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 36-2291, Arizona Revised Statutes, is amended to  
3 read:

4 36-2291. Sudden infant death advisory council

5 A. The sudden infant death advisory council is established consisting  
6 of the following ten members ~~who are appointed by the director of the~~  
7 ~~department of health services for three year terms:~~

8 1. One county medical examiner WHO IS APPOINTED BY THE DIRECTOR OF THE  
9 DEPARTMENT OF HEALTH SERVICES.

10 2. One professional nurse who is licensed pursuant to title 32,  
11 chapter 15 AND WHO IS APPOINTED BY THE DIRECTOR OF THE DEPARTMENT OF HEALTH  
12 SERVICES.

13 3. One physician who is licensed pursuant to title 32, chapter 13 or  
14 17 and, who has expertise in sudden infant death syndrome AND WHO IS  
15 APPOINTED BY THE DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES.

16 4. One person ~~designated~~ WHO IS APPOINTED by the Arizona law  
17 ~~enforcement officer advisory council~~ PEACE OFFICER STANDARDS AND TRAINING  
18 BOARD.

19 5. The state fire marshal or his THE FIRE MARSHAL'S designee.

20 6. Two persons who have expertise in sudden infant death syndrome AND  
21 WHO ARE APPOINTED BY THE DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES.

22 7. Two representatives from the AN Arizona sudden infant death  
23 syndrome alliance ORGANIZATION WHO ARE APPOINTED BY THE DIRECTOR OF THE  
24 DEPARTMENT OF HEALTH SERVICES.

25 8. The medical director of the office of emergency medical services.

26 9. ONE PROSECUTOR WHO IS APPOINTED BY THE ARIZONA PROSECUTING  
27 ATTORNEYS' ADVISORY COUNCIL.

28 B. APPOINTED MEMBERS SERVE THREE YEAR TERMS.

29 ~~B.~~ C. The sudden infant death advisory council shall:

30 1. Assist the department of health services, ~~office of maternal and~~  
31 ~~child health~~ in developing sudden infant death syndrome training and  
32 educational programs.

33 2. Inform the governor and the legislature of the need for specific  
34 programs regarding sudden infant death syndrome.

35 3. APPROVE AND PERIODICALLY REVIEW THE INFANT DEATH INVESTIGATION  
36 CHECKLIST DEVELOPED BY THE DEPARTMENT OF HEALTH SERVICES PURSUANT TO SECTION  
37 36-2293. IN APPROVING AND REVIEWING THE CHECKLIST, THE COUNCIL SHALL CONSIDER  
38 THE GUIDELINES ENDORSED BY THE NATIONAL SUDDEN INFANT DEATH ALLIANCE AND THE  
39 NATIONAL SIDS AND INFANT DEATH PROGRAM SUPPORT CENTER.

40 ~~C.~~ D. Members of the council are not eligible to receive compensation  
41 but are eligible for reimbursement of expenses pursuant to title 38, chapter  
42 4, article 2.

43 ~~D.~~ E. Clerical and administrative support for the council shall be  
44 provided by the office of maternal and child health.

1           Sec. 2. Title 36, chapter 22, article 3, Arizona Revised Statutes, is  
2 amended by adding sections 36-2292 and 36-2293, to read:

3           36-2292. Protocols; report form; definition

4           A. THE DEPARTMENT OF HEALTH SERVICES SHALL ESTABLISH PROTOCOLS FOR  
5 DEATH SCENE INVESTIGATIONS OF APPARENT NATURAL INFANT DEATHS. IN DEVELOPING  
6 THE PROTOCOLS THE DEPARTMENT SHALL CONSIDER THE GUIDELINES ESTABLISHED BY THE  
7 NATIONAL SUDDEN INFANT DEATH ALLIANCE AND THE NATIONAL SIDS AND INFANT DEATH  
8 PROGRAM SUPPORT CENTER.

9           B. AT A MINIMUM THE PROTOCOLS SHALL:

10           1. INCLUDE RECOMMENDED PROCEDURES FOR ALL FIRST RESPONDERS, LAW  
11 ENFORCEMENT AGENCIES AND LOCAL SOCIAL SERVICES AGENCIES TO FOLLOW IN RESPONSE  
12 TO APPARENT NATURAL INFANT DEATH.

13           2. RECOMMEND THAT IN THE COURSE OF AN INVESTIGATION OF AN APPARENT  
14 NATURAL INFANT DEATH, THE SCENE WHERE THE INFANT WAS FOUND SHOULD BE EXAMINED  
15 EVEN IF THE INFANT'S BODY WAS TRANSPORTED TO A HOSPITAL AND PRONOUNCED DEAD  
16 AT A HOSPITAL.

17           3. RECOMMEND THAT DURING THE INVESTIGATION OF AN APPARENT NATURAL  
18 INFANT DEATH, INVESTIGATORS SHOULD USE THEIR SKILLS AND KNOWLEDGE TO  
19 DETERMINE THE CAUSE OF DEATH WHILE KEEPING IN MIND THE NEED FOR COMPASSION  
20 AND SENSITIVITY FOR THE PARENTS AND CAREGIVERS.

21           36-2293. Infant death checklist

22           A. A LAW ENFORCEMENT OFFICER WHO IN THE REGULAR COURSE OF DUTY  
23 INVESTIGATES AN UNEXPLAINED INFANT DEATH SHALL COMPLETE AN INFANT DEATH  
24 INVESTIGATION CHECKLIST DEVELOPED BY THE DEPARTMENT OF HEALTH SERVICES AND  
25 APPROVED BY THE SUDDEN INFANT DEATH ADVISORY COUNCIL.

26           B. THE LAW ENFORCEMENT OFFICER SHALL COMPLETE THE CHECKLIST BEFORE AN  
27 AUTOPSY IS CONDUCTED.

28           C. THE OFFICER'S LAW ENFORCEMENT AGENCY SHALL RETAIN THE ORIGINAL  
29 CHECKLIST AND IMMEDIATELY FORWARD A COPY OF THE CHECKLIST TO THE COUNTY  
30 MEDICAL EXAMINER AND THE DEPARTMENT OF HEALTH SERVICES.

31           D. THE DEPARTMENT OF HEALTH SERVICES SHALL DEVELOP THE CHECKLIST IN  
32 CONJUNCTION WITH THE SUDDEN INFANT DEATH ADVISORY COUNCIL. IN DEVELOPING THE  
33 CHECKLIST, THE DEPARTMENT SHALL CONSULT WITH LAW ENFORCEMENT AGENCIES AND  
34 CONSIDER GUIDELINES ENDORSED BY THE NATIONAL SUDDEN INFANT DEATH ALLIANCE AND  
35 THE NATIONAL SIDS AND INFANT DEATH PROGRAM SUPPORT CENTER.

36           E. THE DEPARTMENT SHALL PERIODICALLY REVIEW AND MODIFY THE CHECKLIST  
37 IN CONSULTATION WITH THE SUDDEN INFANT DEATH ADVISORY COUNCIL.

38           F. A LAW ENFORCEMENT OFFICER'S FAILURE TO USE THE CHECKLIST IS NOT A  
39 DEFENSE TO OR A BASIS FOR DISMISSAL OF A CRIMINAL PROSECUTION.

40           Sec. 3. Section 41-1822, Arizona Revised Statutes, is amended to read:

41           41-1822. Powers and duties of board; definition

42           A. With respect to peace officer training and certification, the board  
43 shall:

44           1. Establish rules for the government and conduct of the board,  
45 including meeting times, places and matters to be placed on the agenda of  
46 each meeting.

1           2. Make recommendations, consistent with this article, to the  
2 governor, the speaker of the house of representatives and the president of  
3 the senate on all matters relating to law enforcement and public safety.

4           3. Prescribe reasonable minimum qualifications for officers to be  
5 appointed to enforce the laws of this state and the political subdivisions  
6 of this state and certify officers in compliance with these qualifications.  
7 Notwithstanding any other law, the qualifications shall require United States  
8 citizenship, shall relate to physical, mental and moral fitness and shall  
9 govern the recruitment, appointment and retention of all agents, peace  
10 officers and police officers of every political subdivision of this  
11 state. The board shall constantly review the qualifications established by  
12 this section and may amend the qualifications at any time, subject to the  
13 requirements of section 41-1823.

14           4. Prescribe minimum courses of training and minimum standards for  
15 training facilities for law enforcement officers. Only this state and  
16 political subdivisions of this state may conduct basic peace officer  
17 training. Basic peace officer academies may admit individuals who are not  
18 peace officer cadets only if a cadet meets the minimum qualifications  
19 established by paragraph 3 of this subsection. Training shall include:

20           (a) Courses in responding to and reporting all criminal offenses that  
21 are motivated by race, color, religion, national origin, sexual orientation,  
22 gender or disability.

23           (b) Training certified by the director of the department of health  
24 services with assistance from a representative of the board on the nature of  
25 sudden infant death syndrome and the handling of cases involving the sudden  
26 and unexplained death of an infant.

27           (c) MEDICAL INFORMATION ON UNEXPLAINED INFANT DEATH FOR FIRST  
28 RESPONDERS, INCLUDING AWARENESS AND SENSITIVITY IN DEALING WITH FAMILIES AND  
29 CHILD CARE PROVIDERS, AND THE IMPORTANCE OF FORENSICALLY COMPETENT DEATH  
30 SCENE INVESTIGATIONS.

31           (d) INFORMATION ON THE PROTOCOL OF INVESTIGATION IN CASES OF AN  
32 UNEXPLAINED INFANT DEATH, INCLUDING THE IMPORTANCE OF A CONSISTENT POLICY OF  
33 THOROUGH DEATH SCENE INVESTIGATION.

34           (e) THE USE OF THE INFANT DEATH INVESTIGATION CHECKLIST PURSUANT TO  
35 SECTION 36-2293.

36           (f) IF AN UNEXPLAINED INFANT DEATH OCCURS, THE VALUE OF TIMELY  
37 COMMUNICATION BETWEEN THE MEDICAL EXAMINER'S OFFICE, THE DEPARTMENT OF HEALTH  
38 SERVICES AND APPROPRIATE SOCIAL SERVICE AGENCIES THAT ADDRESS THE ISSUE OF  
39 INFANT DEATH AND BEREAVEMENT, TO ACHIEVE A BETTER UNDERSTANDING OF THESE  
40 DEATHS AND TO CONNECT FAMILIES TO VARIOUS COMMUNITY AND PUBLIC HEALTH SUPPORT  
41 SYSTEMS TO ENHANCE RECOVERY FROM GRIEF.

42           5. Recommend curricula for advanced courses and seminars in law  
43 enforcement and intelligence training in universities, colleges and community  
44 colleges, in conjunction with the governing body of the educational  
45 institution.

1           6. Make inquiries to determine whether this state or political  
2 subdivisions of this state are adhering to the standards for recruitment,  
3 appointment, retention and training established pursuant to this  
4 article. The failure of this state or any political subdivision to adhere  
5 to the standards shall be reported at the next regularly scheduled meeting  
6 of the board for action deemed appropriate by that body.

7           7. Employ an executive director and other staff as are necessary to  
8 fulfill the powers and duties of the board in accordance with the  
9 requirements of the law enforcement merit system council.

10          B. With respect to state department of corrections correctional  
11 officers, the board shall:

12           1. Approve a basic training curriculum of at least two hundred forty  
13 hours.

14           2. Establish uniform minimum standards. These standards shall include  
15 high school graduation or the equivalent and a physical examination as  
16 prescribed by the director of the state department of corrections.

17           3. Establish uniform standards for background investigations,  
18 including criminal histories under section 41-1750, of all applicants before  
19 enrolling in the academy. The board may adopt special procedures for  
20 extended screening and investigations in extraordinary cases to ensure  
21 suitability and adaptability to a career as a correctional officer.

22           4. Issue a certificate of completion to any state department of  
23 corrections correctional officer who satisfactorily complies with the minimum  
24 standards and completes the basic training program. The board may issue a  
25 certificate of completion to a state department of corrections correctional  
26 officer who has received comparable training in another state if the board  
27 determines that the training was at least equivalent to that provided by the  
28 academy and if the person complies with the minimum standards.

29           5. Establish continuing training requirements and approve curricula.

30          C. The board may:

31           1. Deny, suspend, revoke or cancel the certification of an officer who  
32 is not in compliance with the qualifications established pursuant to  
33 subsection A, paragraph 3 of this section.

34           2. Provide training and related services to assist state, tribal and  
35 local law enforcement agencies to better serve the public.

36           3. Enter into contracts to carry out its powers and duties.

37          D. This section does not create a cause of action or a right to bring  
38 an action, including an action based on discrimination due to sexual  
39 orientation.

40          E. As used in this section, "sexual orientation" means consensual  
41 homosexuality or heterosexuality.

42          Sec. 4. Short title

43          This act shall be known and may be cited as "Brandon's Law".

APPROVED BY THE GOVERNOR APRIL 26, 2001.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 27, 2001.

Passed the House April 16, 2001,

by the following vote: 56 Ayes,

0 Nays, 4 Not Voting

[Signature]  
Speaker of the House

[Signature]  
Chief Clerk of the House

Passed the Senate February 26, 2001,

by the following vote: 28 Ayes,

2 Nays, 0 Not Voting

[Signature]  
President of the Senate

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this  
23 day of April, 2001,

at 9:48 o'clock A M.

[Signature]  
Secretary to the Governor

Approved this 26 day of

April, 2001,

at 10:50 o'clock P M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State  
this 27 day of April, 2001,

at 3:45 o'clock P M.

[Signature]  
Secretary of State

S.B. 1105