

Senate Engrossed  
**FILED**  
**KEN BENNETT**  
**SECRETARY OF STATE**

State of Arizona  
Senate  
Fiftieth Legislature  
First Regular Session  
2011

CHAPTER 143

# **SENATE BILL 1121**

AN ACT

AMENDING SECTIONS 36-3501 AND 36-3503, ARIZONA REVISED STATUTES; RELATING TO  
MATERNAL MORTALITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 36-3501, Arizona Revised Statutes, is amended to  
3 read:  
4 36-3501. Child fatality review team; membership; duties  
5 A. The child fatality review team is established in the department of  
6 health services. The team is composed of the head of the following  
7 departments, agencies, councils or associations, or that person's designee:  
8 1. Attorney general.  
9 2. Office of women's and children's health in the department of health  
10 services.  
11 3. Office of planning and health status monitoring in the department  
12 of health services.  
13 4. Division of behavioral health in the department of health services.  
14 5. Division of developmental disabilities in the department of  
15 economic security.  
16 6. Division of children and family services in the department of  
17 economic security.  
18 7. Governor's office for children.  
19 8. Administrative office of the courts.  
20 9. Parent assistance office of the supreme court.  
21 10. Department of juvenile corrections.  
22 11. Arizona chapter of a national pediatric society.  
23 B. The director of the department of health services shall appoint the  
24 following members to serve staggered three year terms:  
25 1. A medical examiner who is a forensic pathologist.  
26 2. A maternal and child health specialist involved with the treatment  
27 of native Americans.  
28 3. A representative of a private nonprofit organization of tribal  
29 governments in this state.  
30 4. A representative of the Navajo tribe.  
31 5. A representative of the United States military family advocacy  
32 program.  
33 6. A representative of the Arizona sudden infant death advisory  
34 council.  
35 7. A representative of a statewide prosecuting attorneys advisory  
36 council.  
37 8. A representative of a statewide law enforcement officers advisory  
38 council who is experienced in child homicide investigations.  
39 9. A representative of an association of county health officers.  
40 10. A child advocate who is not employed by or an officer of this state  
41 or a political subdivision of this state.  
42 11. A public member. If local teams are formed pursuant to this  
43 article, the director of the department of health services shall select this  
44 member from one of those local teams.  
45 C. ~~Beginning not later than January 1, 1994,~~ The team shall:



1 and records regarding a child whose death is being reviewed by the team, or  
2 information and records regarding the child's family AND RECORDS OF A  
3 MATERNAL FATALITY ASSOCIATED WITH PREGNANCY PURSUANT TO SECTION 36-3501,  
4 SUBSECTION C:

5 1. From a provider of medical, dental or mental health care.

6 2. From this state or a political subdivision of this state that might  
7 assist a team to review a child fatality.

8 B. A law enforcement agency with the approval of the prosecuting  
9 attorney may withhold investigative records that might interfere with a  
10 pending criminal investigation or prosecution.

11 C. The director of the department of health services or ~~his~~ THE  
12 DIRECTOR'S designee may apply to the superior court for a subpoena as  
13 necessary to compel the production of books, records, documents and other  
14 evidence related to a child fatality OR A MATERNAL FATALITY ASSOCIATED WITH  
15 PREGNANCY investigation. Subpoenas ~~so~~ issued shall be served and, ~~upon~~ ON  
16 application to the court by the director or ~~his~~ THE DIRECTOR'S designee,  
17 enforced in the manner provided by law for the service and enforcement of  
18 subpoenas. A law enforcement agency ~~shall~~ IS not be required to produce the  
19 information requested under the subpoena if the subpoenaed evidence relates  
20 to a pending criminal investigation or prosecution. All records shall be  
21 returned to the agency or organization on completion of the review. No  
22 Written reports or records containing identifying information shall NOT be  
23 kept by the team.

24 D. All information and records acquired by the state team or any local  
25 team are confidential and ARE not subject to subpoena, discovery or  
26 introduction into evidence in any civil or criminal proceedings, except that  
27 information, documents and records otherwise available from other sources are  
28 not immune from subpoena, discovery or introduction into evidence through  
29 those sources solely because they were presented to or reviewed by a team.

30 E. Members of a team, persons attending a team meeting, ~~and~~ and persons  
31 who present information to a team may not be questioned in any civil or  
32 criminal proceedings regarding information presented in or opinions formed as  
33 a result of a meeting. ~~Nothing in This subsection shall be construed to~~ DOES  
34 NOT prevent a person from testifying to information THAT IS obtained  
35 independently of the team or ~~which~~ THAT is public information.

36 F. A member of the state or a local child fatality review team shall  
37 not contact, interview or obtain information by request or subpoena from a  
38 member of a deceased child's family, except that a member of the state or a  
39 local child fatality review team who is otherwise a public officer or  
40 employee may contact, interview or obtain information from a family member,  
41 if necessary, as part of the public officer's or employee's other official  
42 duties.

1           G. State and local team meetings are closed to the public and are not  
2 subject to title 38, chapter 3, article 3.1 if the team is reviewing  
3 individual child fatality cases OR CASES OF MATERNAL FATALITIES ASSOCIATED  
4 WITH PREGNANCY. All other team meetings are open to the public.

5           H. A person who violates the confidentiality ~~provisions~~ REQUIREMENTS  
6 of this section is guilty of a class 2 misdemeanor.

APPROVED BY THE GOVERNOR APRIL 18, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 18, 2011.

Passed the House April 11, 2011,

Passed the Senate March 10, 2011,

by the following vote: 55 Ayes,

by the following vote: 30 Ayes,

4 Nays, 1 Not Voting

0 Nays, 0 Not Voting

Speaker of the House  
Pro Tempore

President of the Senate

Cheryl Laube  
Chief Clerk of the House

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

12 day of April, 2011,

at 1:50 o'clock P. M.

Secretary to the Governor

Approved this 18<sup>th</sup> day of

April, 2011,

at 9:47 o'clock A. M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 18<sup>th</sup> day of April, 2011,

at 12:19 o'clock P. M.

Secretary of State

S.B. 1121