

REFERENCE TITLE: fatality review; information; access

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HB 2116

Introduced by
Representative Willoughby

AN ACT

AMENDING SECTION 36-3503, ARIZONA REVISED STATUTES; RELATING TO CHILD FATALITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 36-3503, Arizona Revised Statutes, is amended to
3 read:

4 36-3503. Access to information; confidentiality; violation;
5 classification

6 A. On request of the chairperson of ~~the~~ THE state or A local CHILD
7 FATALITY REVIEW team and as necessary to carry out the team's duties, the
8 chairperson shall be provided within five days excluding weekends and
9 holidays with access to information and records regarding a child whose
10 death is being reviewed by the team, or information and records regarding
11 the child's family and records of a maternal fatality associated with
12 pregnancy pursuant to section 36-3501, subsection C:

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

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

16 B. A law enforcement agency with the approval of the prosecuting
17 attorney may withhold FROM RELEASE TO THE STATE OR A LOCAL CHILD FATALITY
18 REVIEW TEAM OR A MATERNAL MORTALITY REVIEW PROGRAM ANY investigative
19 records that might interfere with a pending criminal investigation or
20 prosecution.

21 C. The director of the department of health services or the
22 director's designee may apply to the superior court for a subpoena as
23 necessary to compel the production of books, records, documents and other
24 evidence related to a child fatality or a maternal fatality associated
25 with pregnancy investigation. Subpoenas issued shall be served and, on
26 application to the court by the director or the director's designee,
27 enforced in the manner provided by law for the service and enforcement of
28 subpoenas. A law enforcement agency is not required to produce the
29 information requested under the subpoena if the subpoenaed evidence
30 relates to a pending criminal investigation or prosecution. All records
31 shall be returned to the agency or organization on completion of the
32 review. Written reports or records containing identifying information
33 shall not be kept by the team.

34 D. EXCEPT AS PROVIDED IN SUBSECTION B OF THIS SECTION, ON REQUEST,
35 LAW ENFORCEMENT AGENCIES SHALL PROVIDE UNREDACTED REPORTS TO THE
36 CHAIRPERSON OF THE STATE OR A LOCAL CHILD FATALITY REVIEW TEAM OR A
37 MATERNAL MORTALITY REVIEW PROGRAM. All information and records acquired
38 by the state team, ~~or~~ any local team OR A PROGRAM are confidential and are
39 not subject to subpoena, discovery or introduction into evidence in any
40 civil or criminal proceedings, except that information, documents and
41 records otherwise available from other sources are not immune from
42 subpoena, discovery or introduction into evidence through those sources
43 solely because they were presented to or reviewed by a team OR PROGRAM.

1 E. Members of a team, persons attending a team meeting and persons
2 who present information to a team may not be questioned in any civil or
3 criminal proceedings regarding information presented in or opinions formed
4 as a result of a meeting. This subsection does not prevent a person from
5 testifying to information that is obtained independently of the team or
6 that is public information.

7 F. A member of the state or a local child fatality review team
8 ~~shall not~~ OR A MATERNAL MORTALITY REVIEW PROGRAM MAY contact, interview or
9 obtain information ~~by request or subpoena~~ from a CLOSE CONTACT OR FAMILY
10 member of a deceased ~~child's family, except that a member of the state or~~
11 ~~a local child fatality review team who is otherwise a public officer or~~
12 ~~employee may contact, interview or obtain information from a family~~
13 ~~member, if necessary, as part of the public officer's or employee's other~~
14 ~~official duties~~ CHILD OR DECEASED MOTHER. THE CHILD FATALITY REVIEW TEAM
15 OR MATERNAL MORTALITY REVIEW PROGRAM MUST APPROVE ANY CONTACT, INTERVIEW
16 OR REQUEST BEFORE THE PERSON CONTACTS, INTERVIEWS OR OBTAINS INFORMATION
17 FROM THE CLOSE CONTACT OR FAMILY MEMBER OF A DECEASED CHILD OR DECEASED
18 MOTHER.

19 G. State and local team AND PROGRAM meetings are closed to the
20 public and are not subject to title 38, chapter 3, article 3.1 if the team
21 OR PROGRAM is reviewing individual child fatality cases or cases of
22 maternal fatalities associated with pregnancy. All other team AND PROGRAM
23 meetings are open to the public.

24 H. A person who violates the confidentiality requirements of this
25 section is guilty of a class 2 misdemeanor.