

SB 819-2
(LC 4134)
4/12/17 (BLS/ps)

Requested by Senator GELSER

**PROPOSED AMENDMENTS TO
SENATE BILL 819**

1 On page 1 of the printed bill, line 7, delete “within 24 hours”.

2 In line 8, after “neglect” insert “within timelines for assignment estab-
3 lished by rules adopted by the department”.

4 In line 18, after “agency” insert “within the 12 months preceding the
5 fatality”.

6 In line 20, after “(2)” insert “(a)” and delete “must be appointed within
7 24 hours”.

8 In line 21, delete “of the assignment of the team under subsection (1) of
9 this section and”.

10 In line 23, delete “(a)” and insert “(A)”.

11 In line 24, delete “(b)” and insert “(B)”.

12 In line 25, after the semicolon insert “and”.

13 In line 26, delete “(c)” and insert “(C)” and delete the semicolon and in-
14 sert a period.

15 Delete lines 27 and 28.

16 On page 2, delete lines 1 through 5 and insert:

17 “(b) The following may be assigned to a Critical Incident Response Team:

18 “(A) Members of the public, appointed by the Director of Human Services,
19 as appropriate;

20 “(B) A juvenile court judge appointed by the Chief Justice of the Supreme
21 Court; and

1 “(C) A state Senator appointed by the President of the Senate and a state
2 Representative appointed by the Speaker of the House of Representatives.”.

3 In line 6, after “(3)” insert “(a)”.

4 After line 8, insert:

5 “(b) All members of the team must attend meetings of the team in person,
6 by telephone or by other two-way electronic communication device. A team
7 member may not send a delegate to meetings of the team to appear on the
8 member’s behalf. Notwithstanding the provisions of this paragraph, a meet-
9 ing of the team may be convened and held even if one or more members are
10 unable to attend the meeting.”.

11 In line 10, delete “team” and insert “Critical Incident Response Team”.

12 In line 23, delete “as described in subsection”.

13 In line 24, delete “(7) of this section”.

14 Delete lines 25 through 29.

15 In line 30, delete “(d)” and insert “(c)”.

16 In line 33, delete “(e)” and insert “(d)”.

17 In line 40, delete “(f)” and insert “(e)”.

18 In line 43, delete “(g)” and insert “(f)”.

19 On page 3, line 10, delete “(h)” and insert “(g)” and delete “(g)” and insert
20 “(f)”.

21 In line 14, delete “team” and insert “Critical Incident Response Team”.

22 Delete lines 30 through 42 and insert:

23 “(7)(a) A public member assigned to a Critical Incident Response Team
24 under subsection (2)(b)(A) of this section may not be examined in a civil or
25 administrative proceeding regarding:

26 “(A) A case review to which the team member was assigned;

27 “(B) The incident that led to a child fatality in a case review to which
28 the team member was assigned; or

29 “(C) Statements, deliberations, thoughts, analyses or impressions of the
30 team member in a case review to which the member was assigned.

1 “(b) A person who provided information to a team may not be examined
2 in a civil or administrative proceeding regarding statements, deliberations,
3 thoughts, analyses or impressions of that person. A person is not unavailable
4 as a witness merely because the person has been interviewed by a team or
5 has provided a statement to a team in a case review but, if called as a wit-
6 ness, the person may not be examined regarding the person’s interactions
7 with the team in a case review including whether the person was inter-
8 viewed, the questions that were asked of the person and the answers that the
9 person provided. This paragraph may not be construed as restricting the
10 person from testifying in any proceeding regarding the person’s actual
11 knowledge of the incident that is the subject of a team case review.

12 “(c) The record of the case review of a team assigned under this section,
13 including but not limited to records received, prepared and maintained by the
14 team, is subject to discovery in a civil or administrative proceeding but may
15 not be admitted into evidence or otherwise used in a civil or administrative
16 proceeding except that records or documents that existed before use or con-
17 sideration in a team case review, or that were created independently of such
18 a review, do not become inadmissible merely because the records or docu-
19 ments were used or considered in a team case review.

20 “(d) The provisions of this subsection do not apply in a licensing or dis-
21 ciplinary proceeding arising from an agency’s effort to revoke or suspend the
22 license of any licensed professional based in whole or in part upon
23 allegations of wrongdoing in connection with a child fatality reviewed by a
24 team under this section.”.

25 On page 4, delete lines 1 and 2 and insert:

26 “(9) The Critical Incident Response Team shall meet, upon conclusion of
27 a criminal investigation or prosecution arising out of a child fatality to
28 which the team was assigned for review, with members of law enforcement
29 that investigated the child fatality or with the prosecuting attorneys who
30 prosecuted the case for the purpose of reviewing the conclusions and rec-

1 ommendations of the team and the reports prepared and submitted by the
2 team.”.

3 In line 3, delete “(9)” and insert “(10)”.

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