

## CONCURRENCE IN SENATE AMENDMENTS

AB 1108 (Hart)

As Amended September 5, 2025

Majority vote

**SUMMARY**

Prohibits a sheriff-coroner, in any county where the offices of the sheriff and the coroner are combined, from determining the circumstances, manner, and cause of death for any in-custody death, and instead requires the sheriff-coroner to contract with another county or a private third-party medical examination provider, as specified, to determine the manner, circumstances, and cause of the in-custody death.

**Senate Amendments**

- 1) Clarify that a sheriff-coroner can contract with *both* another county and a private third party medical examination provider, as specified, to determine the manner, circumstances, and cause of an in-custody death.
- 2) Specify that a sheriff-coroner can contract with *one or more* counties, as specified, or *one or more* private third-party medical examination providers, as specified, to determine the manner, circumstances, and cause of an in-custody death.
- 3) Require, for the purpose of which counties that a sheriff-coroner may contract with, that the contracted coroners or medical examiners operate independently from the office of the sheriff-coroner in conducting the medical examination process, including, but not limited to, exercising professional judgment to make determinations of the circumstances, manner, and cause of death.
- 4) Specify that the third party medical examination providers with which a sheriff-coroner may contract must be *private*.
- 5) Require, in any county in which the offices of the sheriff and the coroner are combined, the county board of supervisors to annually select and enter into a service agreement or service agreements with medical examiners or independent coroner offices from other counties, or with one or more private third-party medical examination providers, or with any combination of those medical examiners, independent coroner offices, or private third-party medical examination providers.
- 6) Prohibit any private third-party medical examination provider that has entered into a service agreement with a county, as specified, from, during the term of that service agreement, being contracted by the county or the sheriff-coroner of that county to provide medical examination for any cases that do not involve in-custody deaths.
- 7) Require, upon the determination of the circumstances, manner, and cause of death, the findings of the examination to be delivered to the sheriff-coroner, district attorney, county health officer, and board of supervisors of the county in which the death occurred, as well as the decedent's next of kin.
- 8) Expand the definition of "in-custody death" to include a death of a person who is detained, under arrest, or is in the process of being detained or arrested, by a federal law enforcement

officer, including for the purposes of immigration enforcement, or who is en route to be detained, or is detained, at a federal correctional facility or immigration detention facility, and for which the sheriff-coroner has jurisdiction or the federal government has requested an autopsy be performed by the sheriff-coroner's office.

9) Make the provisions of this bill operative on January 1, 2027.

10) Make technical and clarifying changes.

## COMMENTS

*As passed by the Assembly:* This bill prohibited a sheriff-coroner, in any county where the offices of the sheriff and the coroner are combined, from determining the circumstances, manner, and cause of death for any in-custody death, and instead requires the sheriff-coroner to contract with another county or a third-party medical examination provider, as specified, to determine the manner, circumstances, and cause of the in-custody death.

### Major Provisions

- 1) Provided that in any county where the offices of the sheriff and the coroner are combined, the sheriff-coroner shall not determine the circumstances, manner, and cause of death for any in-custody death, as defined, but shall instead do one of the following:
  - a) Contract with another county that has a coroner's office that operates independently from the office of the sheriff or another county that has established an office of medical examiner, as defined, to determine the circumstances, manner, and cause of death.
  - b) Contract with a third-party medical examination provider that is separate and independent from the office of the sheriff-coroner and subject to specified physician qualification requirements, to determine the manner, circumstances, and cause of death, subject to the following requirements:
    - i) Any such medical examination provider shall operate independently from the Sheriff-Coroner's Office in conducting the medical examination process, including, but not limited to, exercising professional judgment to make determinations of manner, circumstances, and cause of death.
    - ii) The third-party medical examination provider physician, who makes cause-of-death determination, must be a licensed physician and surgeon duly qualified as a specialist in pathology.
- 2) Required, for any in-custody death subject to the above requirements, the cause and manner of death listed on the death certificate to match the cause and manner of death determined by the coroner, medical examiner, or third-party medical examination provider.
- 3) Defined "in-custody" death, for the purposes of when a Sheriff-Coroner has a conflict of interest, to mean any death of a person who is detained, under arrest, or is in the process of being arrested, is en route to be incarcerated, or is incarcerated at a municipal or county jail, state prison, state-run boot camp prison, boot camp prison that is contracted out by the state, any state or local contract facility, or other local or state correctional facility, including any

juvenile facility, as well as deaths that occur in medical facilities while in law-enforcement custody.

- 4) Specified that the requirement that the manner of death be determined by the coroner or medical examiner of a county, does not apply to an independent medical examination conducted pursuant to this bill.
- 5) Included legislative findings and declarations.

### **According to the Author**

"AB 1108 is a common-sense measure designed to protect the independence and impartiality of medical investigations into deaths involving sheriff's deputies. By providing counties with options already in use by counties with separate coroner-sheriff offices, the bill improves oversight and transparency. Specifically, AB 1108 will require counties with a combined sheriff-coroner office to refer investigations of deaths in custody, or involving the use of force, to an independent coroner or medical examiner from a different county, or contract with a qualified private medical examiner to perform the investigation. AB 1108 aims to reduce the potential for undue influence by the sheriff's office in cases involving their own officers."

### **Arguments in Support**

According to *Smart Justice California*, "California is one of just four states that allow elected sheriffs to simultaneously serve as coroners. Throughout California, 48 of 58 counties have combined sheriff-coroner offices. When an individual dies in sheriff's custody, or as part of an encounter with sheriff's personnel, there is currently no statewide requirement for an independent medical examination. This presents a conflict of interest that erodes trust in the integrity of the examinations.

"AB 1108 would prohibit a coroner, in a county in which the offices of the sheriff and the coroner are combined, from determining the cause of death in a case involving a death that occurs to a person while in the custody of a sheriff's officer. The bill, instead, would require the county to request another county or state agency to conduct an independent medical examination, or utilize the services of a 3rd party independent medical examination team to determine the cause of death."

### **Arguments in Opposition**

According to *Courage California*, "On behalf of the 1,400,000 members of Courage California, California's largest online, progressive organizing network, I write in strong opposition to Assembly Bill 1108, which seeks to address conflicts of interest in officer-related death investigations conducted by County Sheriff-Coroner offices when individuals die in-custody.

"While we appreciate the intent of this bill—to introduce a level of independence and impartiality into cause-of-death determinations—AB 1108 ultimately reinforces the flawed system that it seeks to reform and deepens the problem.

"California is one of three states that continues to maintain the Sheriff-Coroner structure, where the elected sheriff simultaneously serves as the coroner. This model presents an undeniable conflict of interest. The same office tasked with policing and overseeing the jail system should not hold dual responsibility.

"By allowing County Sheriff-Coroners to hand-pick outside examiners or neighboring counties, the bill maintains a system where law enforcement agencies still control who conducts these investigations. Many of these third-party pathologists are financially and professionally tied to the very offices that they are supposed to independently review. This proposed structure perpetuates bias, undermines objectivity, and gives the appearance rather than the reality of reform.

"Courage California demands a system that prioritizes true accountability, rather than one that allows law enforcement to police itself."

## **FISCAL COMMENTS**

According to the Senate Appropriations Committee, "Costs of an unknown but potentially significant amount to counties (local funds, General Fund). The bill requires a county sheriff-coroner to request an inquiry by another county's medical examiner or a third-party medical examination team for specified in-custody deaths. Making a request may not result in significant costs to the requesting sheriff-coroner. However, there are a number of open questions about the implementation of this bill that point to significant costs to counties. If a county conducts an inquiry on behalf of another county with a conflict of interest, both counties may incur significant costs, including workload costs for coordinating and conducting the inquiry, transportation costs, and costs for materials and testing during the inquiry. If a county with a conflict of interest must pay a third-party medical examination team, the county would likely incur significant costs. The state must reimburse these county costs from the General Fund if the Commission on State Mandates determines the duties imposed by this bill constitute a reimbursable state mandate."

## **VOTES:**

### **ASM PUBLIC SAFETY: 8-0-1**

**YES:** Schultz, Alanis, Mark González, Haney, Harabedian, Lackey, Ramos, Sharp-Collins

**ABS, ABST OR NV:** Nguyen

### **ASM LOCAL GOVERNMENT: 10-0-0**

**YES:** Carrillo, Ta, Hoover, Pacheco, Ramos, Ransom, Blanca Rubio, Stefani, Ward, Wilson

### **ASM APPROPRIATIONS: 11-0-4**

**YES:** Wicks, Arambula, Calderon, Caloza, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache

**ABS, ABST OR NV:** Sanchez, Dixon, Ta, Tangipa

### **ASSEMBLY FLOOR: 72-0-7**

**YES:** Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Carrillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

**ABS, ABST OR NV:** Caloza, Castillo, Ellis, Macedo, Patterson, Michelle Rodriguez, Tangipa

**UPDATED**

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CONSULTANT: Ilan Zur / PUB. S. / (916) 319-3744

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