

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

H

1

HOUSE BILL 1153

Short Title: Accident Victim I.D. Act/Funds.

(Public)

Sponsors: Representatives Preston and J. Robinson (Co-sponsors).

Referred to: Appropriations.

May 15, 1996

A BILL TO BE ENTITLED

1
2 AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF JUSTICE TO
3 PROVIDE TRAINING TO STATE AND LOCAL LAW ENFORCEMENT
4 OFFICERS IN THE IDENTIFICATION OF ACCIDENT-TRAUMA VICTIMS IN
5 ORDER TO FACILITATE TIMELY IDENTIFICATION OF POTENTIAL ORGAN
6 AND TISSUE DONORS AND TO PROVIDE FOR THE IDENTIFICATION OF
7 ACCIDENT-TRAUMA VICTIMS.

8 The General Assembly of North Carolina enacts:

9 Section 1. There is appropriated from the General Fund to the Department of
10 Justice the sum of twenty-five thousand dollars (\$25,000) for the 1996-97 fiscal year to
11 be used by the North Carolina Criminal Justice Education and Standards Training
12 Commission, the North Carolina Sheriffs' Education and Training Standards
13 Commission, and the North Carolina Justice Academy to provide for the training of State
14 and local law enforcement officers in the timely identification of accident-trauma victims
15 in order to facilitate the identification of potential organ and tissue donors.

16 Sec. 2. Chapter 90 of the General Statutes is amended by adding a new Article
17 to read:

18 **"ARTICLE 32.**

19 **"ACCIDENT-TRAUMA VICTIM IDENTIFICATION.**

20 **"§ 90-460. Short title.**

1 This Article shall be known and may be cited as the Carolyn Sonzogni Act.

2 **"§ 90-461. Purpose.**

3 The identification of accident-trauma victims is crucial to the timely notification of
4 the next of kin of accident-trauma victims and to the recovery of organs and tissues for
5 organ transplants. In recognition of these facts, it is the policy of this State and the
6 purpose of this act to provide for the timely identification of accident-trauma victims by
7 law enforcement, fire, emergency, rescue, and hospital personnel.

8 **"§ 90-462. Routine search for donor information.**

9 (a) The following persons may make a reasonable search for a document of gift or
10 other information identifying the bearer as an organ donor or as an individual who has
11 refused to make an anatomical gift:

12 (1) A law enforcement officer, firefighter, paramedic, or other official
13 emergency rescuer finding an individual who the searcher believes is
14 near death; and

15 (2) A hospital, upon the admission of an individual at or near the time of
16 death, if there is not immediately available any other source of that
17 information.

18 (b) Any law enforcement officer or other person listed in subsection (a) of this
19 section may conduct an administrative search of the accident-trauma victim's Division of
20 Motor Vehicles driver record to determine the individual's authorization for organ
21 donation or refusal of organ donation.

22 (c) A physical search pursuant to subsection (a) of this section may be conducted
23 at or near the time of death or hospital admission and shall be limited to those personal
24 effects of the individual where a drivers license may be reasonably stored. Any
25 information, document, tangible objects or other items discovered during the search shall
26 be used solely for the purpose of ascertaining the individual's identity, notifying the
27 individual's next of kin, and determining whether the individual intends to make an
28 anatomical gift, and in no event shall any such discovered material be admissible in any
29 subsequent criminal or civil proceeding, unless obtained pursuant to a lawful search on
30 other grounds.

31 **"§ 90-463. Timely notification of next of kin.**

32 A State or local law enforcement officer shall make a reasonable effort to notify the
33 next of kin of an accident-trauma victim if the individual is hospitalized or dead.
34 Whenever possible, the notification should be delivered in person and without delay after
35 ensuring positive identification. If appropriate under the circumstances, the notification
36 may be given by telephone in accordance with State and local law enforcement
37 departmental policies. In addition to the notification of next of kin made by law
38 enforcement personnel, other emergency rescue or hospital personnel may contact the
39 next of kin, or the nearest organ procurement organization, in order to expedite decision
40 making with regard to potential organ and tissue recovery.

41 **"§ 90-464. Use of body information tags.**

1 (a) In order to provide the identifying information necessary to facilitate organ
2 and tissue transplants, a body information tag shall be attached to or transmitted with the
3 body of an accident-trauma victim by the following persons:

4 (1) A law enforcement officer, firefighter, paramedic, or other official
5 emergency rescuer who believes the seriously injured individual to be
6 near death; and

7 (2) Hospital personnel, after the individual has been pronounced dead.

8 (b) The body information tag shall include information identifying the accident-
9 trauma victim, identifying whether the individual is an organ donor, and providing any
10 information on the next of kin. The Division of Motor Vehicles shall be responsible for
11 producing and distributing body information tags to all State and local law enforcement
12 departments. In addition, the tags shall be distributed by the Division of Motor Vehicles
13 to all State and local agencies employing firefighters, paramedics, and other emergency
14 and rescue personnel."

15 Sec. 3. This act becomes effective July 1, 1996.