

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 938

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

(Public)

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Sponsors: Representatives Preston; Bowie, Brawley, Brown, Buchanan, Cansler, Clary, Daughtry, Dickson, Goodwin, Grady, Gulley, Hardy, Hiatt, Justus, Kiser, McMahan, Mitchell, Moore, Morris, Neely, Rayfield, Reynolds, Sexton, Sherrill, Shubert, Smith, Starnes, Thompson, Wainwright, Weatherly, and G. Wilson.

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Referred to: Appropriations.

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April 14, 1997

A BILL TO BE ENTITLED

1 AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF JUSTICE TO  
2 PROVIDE TRAINING TO STATE AND LOCAL LAW ENFORCEMENT  
3 OFFICERS IN THE IDENTIFICATION OF ACCIDENT-TRAUMA VICTIMS IN  
4 ORDER TO FACILITATE TIMELY IDENTIFICATION OF POTENTIAL ORGAN  
5 AND TISSUE DONORS AND TO PROVIDE FOR THE IDENTIFICATION OF  
6 ACCIDENT-TRAUMA VICTIMS.  
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8 The General Assembly of North Carolina enacts:

9 Section 1. Chapter 90 of the General Statutes is amended by adding a new  
10 Article to read:

11 "ARTICLE 33.

12 "Accident-Trauma Victim Identification.

13 **"§ 90-600. Short title.**

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

15 **"§ 90-601. Purpose.**

16 The identification of accident-trauma victims is crucial to the timely notification of  
17 the next of kin of accident-trauma victims and to the recovery of organs and tissues for

1 organ transplants. In recognition of these facts, it is the policy of this State and the  
2 purpose of this act to provide for the timely identification of accident-trauma victims by  
3 law enforcement, fire, emergency, rescue, and hospital personnel.

4 **"§ 90-602. Routine search for donor information.**

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

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

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

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

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

27 **"§ 90-603. Timely notification of next of kin.**

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

37 **"§ 90-604. Use of body information tags.**

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

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

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

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

9           Section 2. There is appropriated from the General Fund to the Department of  
10 Justice the sum of twenty-five thousand dollars (\$25,000) for the 1997-98 fiscal year and  
11 the sum of twenty-five thousand dollars (\$25,000) for the 1998-99 fiscal year to be used  
12 by the North Carolina Criminal Justice Education and Standards Training Commission,  
13 the North Carolina Sheriffs' Education and Training Standards Commission, and the  
14 North Carolina Justice Academy to provide for the training of State and local law  
15 enforcement officers in the timely identification of accident-trauma victims in order to  
16 facilitate the identification of potential organ and tissue donors.

17           Section 3. This act becomes effective July 1, 1997.