

HOUSE BILL REPORT

SSB 6340

As Passed House - Amended:

February 28, 2010

Title: An act relating to membership of the Washington state forensic investigations council.

Brief Description: Changing the membership of the Washington state forensic investigations council.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Regala and Kline).

Brief History:

Committee Activity:

Public Safety & Emergency Preparedness: 2/17/10, 2/23/10 [DPA].

Floor Activity:

Passed House: 2/28/10, 96-0.

Brief Summary of Substitute Bill (As Amended by House)

- Expands the Forensic Investigations Council from 12 to 13 members.

HOUSE COMMITTEE ON PUBLIC SAFETY & EMERGENCY PREPAREDNESS

Majority Report: Do pass as amended. Signed by 8 members: Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton, Goodman, Kirby and Ross.

Staff: Yvonne Walker (786-7841).

Background:

The Washington State Forensic Investigations Council (Council) is a 12-member committee appointed by the Governor to oversee death investigations as part of the state's criminal justice system. The composition of the Council is drawn from nominations submitted to the Governor by organizations representing the professions required for appointment to the Council.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The Council consists of a coroner and a medical examiner that are appointed from nominations made by the Washington Association of County Officials; two members of a county legislative authority from nominations made by the Washington State Association of Counties; two members of a city legislative authority drawn from nominations made by the Association of Washington Cities; a county prosecutor who serves as ex officio county coroner and a county prosecutor from nominations made by the Washington Association of Prosecuting Attorneys; a county sheriff position and a chief of police from nominees of the Washington Association of Sheriffs and Police Chiefs; a private pathologist nominated by the Washington Association of Pathologists; and the Chief of the Washington State Patrol.

The Council is responsible for authorizing expenditures from the Council's Death Investigations Account for the purpose of assisting local jurisdictions in the investigation of multiple deaths involving unanticipated, extraordinary, and catastrophic events, or involving multiple jurisdictions. The Council also oversees the Washington State Patrol Bureau of Forensic Laboratory Services (Bureau) and actively prepares and approves the Bureau's budget prior to submission to the Office of Financial Management.

The Bureau provides a wide range of forensic science expertise to city, county, and state law enforcement officers, assisting agencies at crime scenes, preparing evidence for trial, and providing expert testimony. The Bureau coordinates the efforts of the state's Breath Alcohol Test Program, Drug Evaluation and Classification Program, six crime laboratories, the Latent Print Laboratory, and the State Toxicology Laboratory.

Summary of Amended Bill:

The Council is expanded to 13 members. The additional member includes one attorney whose practice of law includes significant experience representing clients charged with criminal offenses. The Washington Association of Criminal Defense Lawyers and the Washington Defender Association must jointly submit two nominees for this position, one of whom must actively manage or have significant experience in managing a public or private criminal defense agency or association, and the other must have experience in cases involving deoxyribonucleic acid (DNA) or other forensic evidence.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) In 2009 the National Academy of Scientists issued a report on forensic science in the United States. This bill is consistent with recommendations from that report with regards to oversight of state crime labs. It was suggested that there should be a broader perspective on the agencies that provide oversight for state crime labs. In Washington the Council provides oversight of the state's crime labs. Currently there is no scientist or defense

attorney from outside the criminal justice system that sits on the Council. The system would be enhanced if these two positions would be added to the Council.

(In support with concerns) The language in the bill for adding a defense council is aimed at getting a person that is experienced in terms of criminal defense loads. Our Council in Washington is not purely advisory and the Council is actually part of the management loop for the state's crime lab and toxicology lab. The Council is experiencing financial difficulties so it may be difficult to accommodate two additional members but the addition of a defense counsel is needed.

(Other) The Council is a very efficient entity with 12 members. Members of the Council believe the addition of a scientist is unnecessary for a number of reasons because both the Washington State Patrol Crime Laboratory and the State Toxicology Laboratory have been accredited by the American Society of Crime Lab Directors. In addition, the State Toxicology Laboratory has an additional accreditation through the International Standardization Organization. It has taken the laboratories approximately two years to meet the stringent accreditations. The Council's current budget is limited and if the Council was better funded then it may have been able to accommodate an additional scientist, but at this time it cannot.

(Opposed) None.

Persons Testifying: (In support) Mark Prothero and Bob Cooper, Washington Association of Criminal Defense Lawyers and Washington Defender Association.

(In support with concerns) Tom McBride, Washington Association of Prosecuting Attorneys.

(Other) Debbie Wilke, Forensic Investigations Council.

Persons Signed In To Testify But Not Testifying: None.