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HOUSE BILL 1770

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State of Washington

61st Legislature

2009 Regular Session

By Representatives Appleton, Goodman, and Hurst

Read first time 01/28/09. Referred to Committee on Public Safety & Emergency Preparedness.

1 AN ACT Relating to membership of the Washington state forensic  
2 investigations council; amending RCW 43.103.040; and creating a new  
3 section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that it is in the  
6 interests of justice and public safety that the work of the state crime  
7 laboratory remains above criticism. The legislature further finds that  
8 recent events have called into question the truth of reports from the  
9 state crime laboratory. Therefore, it is the legislature's intent that  
10 oversight of the laboratory by the Washington state forensic  
11 investigations council must be strengthened with the addition of  
12 members, including attorneys who regularly represent criminal  
13 defendants and a scientist from a state university in the state of  
14 Washington.

15 **Sec. 2.** RCW 43.103.040 and 1995 c 398 s 5 are each amended to read  
16 as follows:

17 The council shall consist of (~~twelve~~) fifteen members who shall  
18 be selected as follows: One county coroner; one county prosecutor; one

1 county prosecutor who also serves as ex officio county coroner; one  
2 county medical examiner; one county sheriff; one chief of police; the  
3 chief of the state patrol; two members of a county legislative  
4 authority; one pathologist who is currently in private practice;  
5 ~~((and))~~ two members of a city legislative authority; two attorneys  
6 whose practice of law includes significant experience in the area of  
7 representation of clients charged with criminal offenses; and one  
8 member with a doctorate in a physical science who is a tenured faculty  
9 member at a university or college in the state of Washington which is  
10 a member institution of a recognized accrediting association and has  
11 operated as a nonprofit college or university delivering on-site  
12 classroom instruction for a minimum of twenty consecutive years within  
13 the state of Washington, and has an annual enrollment of at least seven  
14 hundred full-time equivalent students.

15 The governor shall appoint members to the council from among the  
16 nominees submitted for each position as follows: The Washington  
17 association of county officials shall submit two nominees each for the  
18 coroner position and the medical examiner position; the Washington  
19 state association of counties shall submit two nominees each for the  
20 two county legislative authority positions; the association of  
21 Washington cities shall submit two nominees each for the two city  
22 legislative authority positions; the Washington association of  
23 prosecuting attorneys shall submit two nominees each for the county  
24 prosecutor-ex officio county coroner and for the county prosecutor  
25 position; the Washington association of sheriffs and police chiefs  
26 shall submit two nominees each for the county sheriff position and the  
27 chief of police position; ~~((and))~~ the Washington association of  
28 pathologists shall submit two nominees for the private pathologist  
29 position; the Washington association of criminal defense lawyers and  
30 the Washington defender association shall each submit two nominees for  
31 the criminal defense attorney positions; and the president of an  
32 institution of higher education as defined in RCW 28B.10.016(4) or the  
33 president of a nonprofit college or university delivering on-site  
34 classroom instruction for a minimum of twenty consecutive years within  
35 the state of Washington, and has an annual enrollment of at least seven  
36 hundred full-time equivalent students may each forward to the governor  
37 a nomination of a member of the faculty at the college or university at

1 which the president serves. No president shall be required to submit  
2 a nomination, and the governor shall not be restricted to appointing a  
3 member, to the council from among individuals nominated by a president.

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