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**SENATE BILL 5769**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** Senator Padden

AN ACT Relating to coroner inquest procedures; amending RCW 36.24.020; and adding a new section to chapter 36.24 RCW.

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

**Sec.**  RCW 36.24.020 and 2016 c 13 s 1 are each amended to read as follows:

Any coroner, in his or her discretion, may hold an inquest if the coroner suspects that the death of a person was unnatural, or violent, or resulted from unlawful means, or from suspicious circumstances, or was of such a nature as to indicate the possibility of death by the hand of the deceased or through the instrumentality of some other person: PROVIDED, That, except under suspicious circumstances, no inquest shall be held following a traffic death. If a coroner unreasonably refuses as a matter of policy to conduct an inquest in any case, the county legislative authority, by a majority vote, may call for an inquest to be conducted.

Special consideration should be taken in conducting an inquest when a death results from interaction with law enforcement, and when a death occurs during incarceration and is by unnatural means. Inquests involving law enforcement or in custody death must be conducted within ninety days of completion of the coroner's investigation. In those instances where the deceased is a member of a federally recognized Indian tribe in Washington state, the coroner must notify the tribe and include them in the inquest process to the extent possible.

The coroner in the county where an inquest is to be convened pursuant to this chapter shall notify the superior court to provide persons to serve as a jury of inquest to hear all the evidence concerning the death and to inquire into and render a true verdict on the cause of death. Jurors shall be selected and summoned in the same manner and shall have the same qualifications as specified in chapter 2.36 RCW.

At the coroner's request, the superior court shall schedule a courtroom in which the inquest may be convened, a bailiff, reporter, and any security deemed reasonably necessary by the coroner. The coroner and the superior court shall set an inquest date by mutual agreement. The inquest shall take place within ((~~eighteen months~~)) ninety days of the coroner's request to the court. If the superior court cannot accommodate the inquest for good cause shown, the court may designate a comparable public venue for the inquest in the county.

If the superior court is unable to provide a courtroom or comparable public venue, it shall certify courtroom unavailability in writing within ((~~sixty~~)) fifteen days of the coroner's request and the inquest shall be scheduled and transferred to another county within one hundred miles of the requesting county.

The prosecuting attorney having jurisdiction shall be notified in advance of any such inquest to be held, and ((~~at his or her discretion may~~)) must be present at and assist the coroner in the conduct of the same. The coroner may adjourn the inquest from time to time as he or she may deem necessary.

The costs of inquests, including any costs incurred by the superior court, shall be borne by the county in which the inquest is requested. Counties shall establish funding reserves to fund inquest expenditures. When an inquest is transferred to another county due to unavailability of a courtroom, the county from which such inquest is transferred shall pay the county in which the inquest is held all costs accrued for per diem and mileage for jurors and witnesses and all other costs properly charged to the transferring county.

NEW SECTION. **Sec.**  A new section is added to chapter 36.24 RCW to read as follows:

A juror may submit written questions for a witness, summoned by the coroner under RCW 36.24.050, to the coroner or prosecuting attorney. At the discretion of the coroner, the witness may be compelled to respond to the questions.

**--- END ---**