
HOUSE BILL 1893

State of Washington

55th Legislature

1997 Regular Session

By Representatives Kessler and Ballasiotes

Read first time 02/12/97. Referred to Committee on Law & Justice.

1 AN ACT Relating to an autopsy of a minor; and amending RCW
2 68.50.010 and 68.50.101.

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

4 **Sec. 1.** RCW 68.50.010 and 1963 c 178 s 1 are each amended to read
5 as follows:

6 (1) The jurisdiction of bodies of all deceased persons who come to
7 their death suddenly when in apparent good health without medical
8 attendance within the thirty-six hours preceding death; or where the
9 circumstances of death indicate death was caused by unnatural or
10 unlawful means; or where death occurs under suspicious circumstances;
11 or where a coroner's autopsy or post mortem or coroner's inquest is to
12 be held; or where death results from unknown or obscure causes, or
13 where death occurs within one year following an accident; or where the
14 death is caused by any violence whatsoever, or where death results from
15 a known or suspected abortion; whether self-induced or otherwise; where
16 death apparently results from drowning, hanging, burns, electrocution,
17 gunshot wounds, stabs or cuts, lightning, starvation, radiation,
18 exposure, alcoholism, narcotics or other addictions, tetanus,
19 strangulations, suffocation or smothering; or where death is due to

1 premature birth or still birth; or where death is due to a violent
2 contagious disease or suspected contagious disease which may be a
3 public health hazard; or where death results from alleged rape, carnal
4 knowledge or sodomy, where death occurs in a jail or prison; where a
5 body is found dead or is not claimed by relatives or friends, is hereby
6 vested in the county coroner, which bodies may be removed and placed in
7 the morgue under such rules as are adopted by the coroner with the
8 approval of the county commissioners, having jurisdiction, providing
9 therein how the bodies shall be brought to and cared for at the morgue
10 and held for the proper identification where necessary.

11 (2) Notwithstanding subsection (1) of this section, a coroner or
12 medical examiner is forbidden from performing an autopsy on a minor
13 child when a parent or legal guardian of the child requests the coroner
14 or medical examiner to stay the autopsy for a reasonable period of time
15 in order to allow the parent or legal guardian time to seek a court
16 order to permanently stay the autopsy. An autopsy may be performed
17 immediately upon the court's refusal to issue such an order.

18 **Sec. 2.** RCW 68.50.101 and 1987 c 331 s 57 are each amended to read
19 as follows:

20 Autopsy or post mortem may be performed in any case where
21 authorization has been given by a member of one of the following
22 classes of persons in the following order of priority:

- 23 (1) The surviving spouse;
- 24 (2) Any child of the decedent who is eighteen years of age or
25 older;
- 26 (3) One of the parents of the decedent;
- 27 (4) Any adult brother or sister of the decedent;
- 28 (5) A person who was guardian of the decedent at the time of death;
- 29 (6) Any other person or agency authorized or under an obligation to
30 dispose of the remains of the decedent. The chief official of any such
31 agency shall designate one or more persons to execute authorizations
32 pursuant to the provisions of this section.

33 If the person seeking authority to perform an autopsy or post
34 mortem makes reasonable efforts to locate and secure authorization from
35 a competent person in the first or succeeding class and finds no such
36 person available, authorization may be given by any person in the next
37 class, in the order of descending priority. However, no person under
38 this section shall have the power to authorize an autopsy or post

1 mortem if a person of higher priority under this section has refused
2 such authorization(~~(: PROVIDED, That)~~) . However, this section shall
3 not affect autopsies performed pursuant to RCW 68.50.010 or 68.50.103.
4 A coroner or medical examiner is forbidden from performing an
5 autopsy on a minor child when a parent or legal guardian of the child
6 requests the coroner or medical examiner to stay the autopsy for a
7 reasonable period of time in order to allow the parent or legal
8 guardian time to seek a court order to permanently stay the autopsy.
9 An autopsy may be performed immediately upon the court's refusal to
10 issue such an order.

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