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**SUBSTITUTE SENATE BILL 6037**

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**State of Washington**

**62nd Legislature**

**2012 Regular Session**

**By** Senate Judiciary (originally sponsored by Senators Delvin, Carrell, Honeyford, and Kline)

READ FIRST TIME 01/30/12.

1       AN ACT Relating to access to reports and records of autopsies and  
2 postmortems; amending RCW 68.50.105; and prescribing penalties.

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

4       **Sec. 1.** RCW 68.50.105 and 2011 c 61 s 1 are each amended to read  
5 as follows:

6       (1) Written reports and records of autopsies or postmortems shall  
7 be confidential, except that the following persons may examine and  
8 obtain copies of any such written report or record: The personal  
9 representative of the decedent as defined in RCW 11.02.005, any family  
10 member, the attending physician or advanced registered nurse  
11 practitioner, the prosecuting attorney or law enforcement agencies  
12 having jurisdiction, public health officials, the department of labor  
13 and industries in cases in which it has an interest under RCW  
14 68.50.103, or the secretary of the department of social and health  
15 services or his or her designee in cases being reviewed under RCW  
16 74.13.640. A person, except for public health officials, the  
17 department of labor and industries, or the secretary of the department  
18 of social and health services or his or her designee, who obtains a  
19 copy shall not further disseminate, distribute, or publish the reports

1 or records in any manner. The willful and knowing dissemination,  
2 distribution, or publication of the reports or records is a class C  
3 felony punishable pursuant to RCW 9A.20.020.

4 The coroner, the medical examiner, ((~~or~~)) the attending physician,  
5 or advanced registered nurse practitioner shall, upon request, meet  
6 with the family of the decedent to discuss the findings of the autopsy  
7 or postmortem. For the purposes of this section, the term "family"  
8 means the surviving spouse, state registered domestic partner, or any  
9 child, parent, grandparent, grandchild, brother, or sister of the  
10 decedent, or any person who was guardian of the decedent at the time of  
11 death.

12 (2) A photograph, video, or audio recording from an autopsy or  
13 postmortem examination shall be confidential, except that the following  
14 persons must file a petition with the court in order to obtain a court  
15 order that would allow the person to examine, view, copy, listen to, or  
16 record the photograph or video or audio recording: The personal  
17 representative of the decedent as defined in RCW 11.02.005, any family  
18 member, and the attending physician or advanced registered nurse  
19 practitioner. The court shall prescribe any restrictions or  
20 stipulations it deems appropriate.

21 (3) The right to examine and obtain an autopsy or postmortem report  
22 or record or to meet and discuss the findings of the report or record  
23 is revoked for any person who has plead guilty to or been found guilty  
24 of a crime that lead to or caused the decedent's death unless the  
25 report or record would be used pursuant to court-ordered access as part  
26 of any appeal.

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