

# FINAL BILL REPORT

## SSB 5256

---

---

C 295 L 13  
Synopsis as Enacted

**Brief Description:** Concerning the confidentiality of certain autopsy and postmortem reports and records.

**Sponsors:** Senate Committee on Law & Justice (originally sponsored by Senators Padden and Baumgartner).

**Senate Committee on Law & Justice**  
**House Committee on Judiciary**

**Background:** A coroner or medical examiner may conduct an autopsy or postmortem in any case in which the coroner or medical examiner has jurisdiction. An autopsy or postmortem may be performed in any case where authorization has been given by a member of one of the following classes of persons in the following order of priority: (1) the surviving spouse or state registered domestic partner; (2) any child of the decedent who is 18 years of age or older; (3) one of the parents of the decedent; (4) any adult brother or sister of the decedent; or (5) a person who was guardian of the decedent at the time of death. Any party, by showing just cause, may petition the court to have an autopsy made and results made known to the party at the petitioner's own expense. In an industrial death where the cause of death is unknown, and where the Department of Labor and Industries (L&I) is concerned, L&I may request the coroner in writing to perform an autopsy to determine the cause of death.

Reports and records of autopsies or postmortems are confidential, except that the following persons may examine and obtain copies of any such report or record: the personal representative of the decedent, any family member, the attending physician or advanced registered nurse practitioner, the prosecuting attorney or law enforcement agencies having jurisdiction, public health officials, L&I in cases in which it has an interest, or the Secretary of the Department of Social and Health Services or the Secretary's designee in child welfare cases being reviewed. The coroner, the medical examiner, or the attending physician must, upon request, meet with the family of the decedent to discuss the findings of the autopsy or postmortem.

**Summary:** A coroner, medical examiner, or designee is not prevented from publicly discussing findings as to any death within their jurisdiction that was proximately caused by a law enforcement or corrections officer. However, public discussion of findings related to a death is restricted to formal court and inquest proceedings when there is a criminal investigation or litigation concerning the death that is in place at the time of the effective date

---

*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.*

of the act. Immunity from liability is provided for the release of information by a coroner, medical examiner, or designee, as long as they made a good faith attempt to comply with the law.

**Votes on Final Passage:**

Senate	48	0	
House	96	0	(House amended)
Senate	47	0	(Senate concurred)

**Effective:** January 1, 2014.