

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5256

63rd Legislature
2013 Regular Session

Passed by the Senate April 23, 2013
YEAS 47 NAYS 0

President of the Senate

Passed by the House April 17, 2013
YEAS 96 NAYS 0

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5256** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5256

AS AMENDED BY THE HOUSE

Passed Legislature - 2013 Regular Session

State of Washington 63rd Legislature 2013 Regular Session

By Senate Law & Justice (originally sponsored by Senators Padden and Baumgartner)

READ FIRST TIME 02/11/13.

1 AN ACT Relating to reports and records of autopsies and
2 postmortems; amending RCW 68.50.105; adding a new section to chapter
3 68.50 RCW; and providing an effective date.

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

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

7 (1) Reports and records of autopsies or postmortems shall be
8 confidential, except that the following persons may examine and obtain
9 copies of any such report or record: The personal representative of
10 the decedent as defined in RCW 11.02.005, any family member, the
11 attending physician or advanced registered nurse practitioner, the
12 prosecuting attorney or law enforcement agencies having jurisdiction,
13 public health officials, the department of labor and industries in
14 cases in which it has an interest under RCW 68.50.103, or the secretary
15 of the department of social and health services or his or her designee
16 in cases being reviewed under RCW 74.13.640.

17 (2)(a) Notwithstanding the restrictions contained in this section
18 regarding the dissemination of records and reports of autopsies or
19 postmortems, nor the exemptions referenced under RCW 42.56.240(1),

1 nothing in this chapter prohibits a coroner, medical examiner, or his
2 or her designee, from publicly discussing his or her findings as to any
3 death subject to the jurisdiction of his or her office where actions of
4 a law enforcement officer or corrections officer have been determined
5 to be a proximate cause of the death, except as provided in (b) of this
6 subsection.

7 (b) A coroner, medical examiner, or his or her designee may not
8 publicly discuss his or her findings outside of formal court or inquest
9 proceedings if there is a pending or active criminal investigation, or
10 a criminal or civil action, concerning a death that has commenced prior
11 to the effective date of this section.

12 (3) The coroner, the medical examiner, or the attending physician
13 shall, upon request, meet with the family of the decedent to discuss
14 the findings of the autopsy or postmortem. For the purposes of this
15 section, the term "family" means the surviving spouse, state registered
16 domestic partner, or any child, parent, grandparent, grandchild,
17 brother, or sister of the decedent, or any person who was guardian of
18 the decedent at the time of death.

19 NEW SECTION. Sec. 2. A new section is added to chapter 68.50 RCW
20 to read as follows:

21 No coroner, medical examiner, or his or her designee shall be
22 liable, nor shall a cause of action exist, for any loss or damage based
23 upon the release of any information related to his or her findings
24 under RCW 68.50.105 if the coroner, medical examiner, or his or her
25 designee acted in good faith in attempting to comply with the
26 provisions of this chapter.

27 NEW SECTION. Sec. 3. This act takes effect January 1, 2014.

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