
HOUSE BILL 2084

State of Washington 61st Legislature 2009 Regular Session

By Representatives Kagi, Dickerson, Walsh, and Chase

Read first time 02/10/09. Referred to Committee on Early Learning & Children's Services.

1 AN ACT Relating to forensic investigations; amending RCW 68.50.104
2 and 43.103.040; adding a new section to chapter 68.50 RCW; and
3 providing an effective date.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 68.50 RCW
6 to read as follows:

7 The autopsy of a child under three years of age shall be performed
8 in a facility designed for the performance of autopsies that is fully
9 accredited by the national association of medical examiners and may not
10 be performed in a funeral home.

11 **Sec. 2.** RCW 68.50.104 and 2001 c 82 s 2 are each amended to read
12 as follows:

13 (1) The cost of autopsy shall be borne by the county in which the
14 autopsy is performed, except when requested by the department of labor
15 and industries, in which case, the department shall bear the cost of
16 such autopsy.

17 (2) Except as provided in (c) of this subsection, when the county

1 bears the cost of an autopsy, it shall be reimbursed from the death
2 investigations account, established by RCW 43.79.445, as follows:

3 (a) Up to forty percent of the cost of contracting for the services
4 of a pathologist to perform an autopsy;

5 (b) Up to twenty-five percent of the salary of pathologists who are
6 primarily engaged in performing autopsies and are (i) county coroners
7 or county medical examiners, or (ii) employees of a county coroner or
8 county medical examiner; and

9 (c) When the county bears the cost of an autopsy of a child under
10 the age of three whose death was sudden and unexplained, the county
11 shall be reimbursed for the expenses of the autopsy when the death
12 scene investigation and the autopsy have been conducted under RCW
13 43.103.100 (4) and (5), and the autopsy has been done at a facility
14 designed for the performance of autopsies that is, on or after July 1,
15 2010, fully accredited by the national association of medical examiners
16 and not in a funeral home. If the county that performed the death
17 investigation is different than the county that performed the autopsy,
18 the reimbursement shall be shared equally by both counties.

19 Payments from the account shall be made pursuant to biennial
20 appropriation: PROVIDED, That no county may reduce funds appropriated
21 for this purpose below 1983 budgeted levels.

22 **Sec. 3.** RCW 43.103.040 and 1995 c 398 s 5 are each amended to read
23 as follows:

24 The council shall consist of twelve members who shall be selected
25 as follows: One county coroner; one county prosecutor; one county
26 prosecutor who also serves as ex officio county coroner; one county
27 medical examiner; one county sheriff; one chief of police; the chief of
28 the state patrol; two members of a county legislative authority; one
29 pathologist who is currently in private practice; and two members of a
30 city legislative authority.

31 The governor shall appoint members to the council from among the
32 nominees submitted for each position as follows: The Washington
33 association of county officials shall submit two nominees each for the
34 coroner position and the medical examiner position; the Washington
35 state association of counties shall submit two nominees each for the
36 two county legislative authority positions; the association of
37 Washington cities shall submit two nominees each for the two city

1 legislative authority positions; the Washington association of
2 prosecuting attorneys shall submit two nominees each for the county
3 prosecutor-ex officio county coroner and for the county prosecutor
4 position; the Washington association of sheriffs and police chiefs
5 shall submit two nominees each for the county sheriff position and the
6 chief of police position; and the Washington association of
7 pathologists shall submit two nominees for the private pathologist
8 position.

9 When appointing members to the council who represent cities or
10 counties, the governor shall ensure, whenever practicable, that cities
11 and counties that have higher numbers of death investigations have a
12 proportionally higher number of positions on the council as compared to
13 cities and counties that have lower numbers of death investigations.

14 NEW SECTION. **Sec. 4.** Section 1 of this act takes effect July 1,
15 2010.

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