
SENATE BILL 5039

State of Washington

61st Legislature

2009 Regular Session

By Senators Jarrett and Kohl-Welles

Read first time 01/12/09. Referred to Committee on Judiciary.

1 AN ACT Relating to membership of the Washington state forensic
2 investigations council; amending RCW 43.103.040; and creating a new
3 section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that it is in the
6 interests of justice and public safety that the work of the state crime
7 laboratory remains above criticism. The legislature further finds that
8 recent events have called into question the truth of reports from the
9 state crime laboratory. Therefore, it is the legislature's intent that
10 oversight of the laboratory by the Washington state forensic
11 investigations council must be strengthened with the addition of
12 members, including attorneys who regularly represent criminal
13 defendants and a scientist from a state university in the state of
14 Washington.

15 **Sec. 2.** RCW 43.103.040 and 1995 c 398 s 5 are each amended to read
16 as follows:

17 The council shall consist of (~~twelve~~) fifteen members who shall
18 be selected as follows: One county coroner; one county prosecutor; one

1 county prosecutor who also serves as ex officio county coroner; one
2 county medical examiner; one county sheriff; one chief of police; the
3 chief of the state patrol; two members of a county legislative
4 authority; one pathologist who is currently in private practice;
5 ~~((and))~~ two members of a city legislative authority; two attorneys
6 whose practice of law includes significant experience in the area of
7 representation of clients charged with criminal offenses; and one
8 member with a doctorate in a physical science who is a tenured faculty
9 member at a university or college in the state of Washington which is
10 a member institution of a recognized accrediting association and has
11 operated as a nonprofit college or university delivering on-site
12 classroom instruction for a minimum of twenty consecutive years within
13 the state of Washington, and has an annual enrollment of at least seven
14 hundred full-time equivalent students.

15 The governor shall appoint members to the council from among the
16 nominees submitted for each position as follows: The Washington
17 association of county officials shall submit two nominees each for the
18 coroner position and the medical examiner position; the Washington
19 state association of counties shall submit two nominees each for the
20 two county legislative authority positions; the association of
21 Washington cities shall submit two nominees each for the two city
22 legislative authority positions; the Washington association of
23 prosecuting attorneys shall submit two nominees each for the county
24 prosecutor-ex officio county coroner and for the county prosecutor
25 position; the Washington association of sheriffs and police chiefs
26 shall submit two nominees each for the county sheriff position and the
27 chief of police position; ~~((and))~~ the Washington association of
28 pathologists shall submit two nominees for the private pathologist
29 position; the Washington association of criminal defense lawyers and
30 the Washington defender association shall each submit two nominees for
31 the criminal defense attorney positions; and the president of an
32 institution of higher education as defined in RCW 28B.10.016(4) or the
33 president of a nonprofit college or university delivering on-site
34 classroom instruction for a minimum of twenty consecutive years within
35 the state of Washington, and has an annual enrollment of at least seven
36 hundred full-time equivalent students may each forward to the governor
37 a nomination of a member of the faculty at the college or university at

1 which the president serves. No president shall be required to submit
2 a nomination, and the governor shall not be restricted to appointing a
3 member, to the council from among individuals nominated by a president.

--- END ---