

SENATE BILL REPORT

HB 2773

As of February 19, 2016

Title: An act relating to repealing the warrant authority of coroners.

Brief Description: Repealing the warrant authority of coroners.

Sponsors: Representatives Klippert, Appleton, Haler, Hayes, Dent and Nealey.

Brief History: Passed House: 2/11/16, 87-9.

Committee Activity: Law & Justice: 2/18/16.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Tim Ford (786-7423)

Background: A coroner has discretion to hold an inquest upon suspicion that a person's death was unnatural, violent, unlawful, suspicious, or at the hand of another person. An inquest is a formal proceeding where a jury is convened to hear all evidence regarding the person's death and to render a true verdict of the cause of death. The coroner may employ a physician to examine the body and give testimony to the jury. The coroner may issue subpoenas to witnesses to compel testimony. The coroner may be assisted by the prosecuting attorney. The jury's verdict shall certify the identity of the person killed, if possible, the cause and circumstances, and the identity of any person guilty, if known. The testimony and evidence is filed with the clerk of the court. If the person alleged to have killed another is not in custody the coroner shall issue a warrant for the arrest of the person charged. The warrant is served on the sheriff of the county who shall proceed as if it is a warrant of arrest.

Summary of Bill: The coroner may not issue a warrant, but must deliver all findings of the inquest jury, all evidence from the inquest, and all records generated by the inquest to the prosecuting attorney.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: The current law states that the coroner shall issue a warrant for the arrest of a person where an inquest jury finds that person guilty of killing another. These are old statutes created when there were not judges in every county but circuit judges who were not always available because they traveled from county to county. These laws are outdated. A coroner is not a judicial official. Coroner warrants don't have a specific charge listed, and it is a violation of constitutional rights to arrest and hold someone without being charged of a specific crime. Inquests do not determine probable cause. Today there are judges and prosecutors in every county and there just isn't a need for a coroner to issue warrants.

Persons Testifying: PRO: Rep. Klippert, prime sponsor; Warren McLeod, Lewis County Coroner.

Persons Signed In To Testify But Not Testifying: No one.