

SENATE BILL REPORT

SB 5769

As Reported by Senate Committee On:
Law & Justice, February 16, 2017

Title: An act relating to coroner inquest procedures.

Brief Description: Concerning coroner inquest procedures.

Sponsors: Senator Padden.

Brief History:

Committee Activity: Law & Justice: 2/15/17, 2/16/17 [DPS].

Brief Summary of First Substitute Bill

- Provides that if a medical examiner refuses to conduct an inquest as a matter of policy, the county legislative authority may call for one by majority vote.
- Requires special consideration be given if a death results from police interaction or during incarceration.
- Requires that a tribe must be notified if the deceased is a tribal member, if possible.
- Requires counties to establish reserve funds for inquests.
- Provides that the county prosecuting attorney must assist the coroner.
- Allows jurors to submit questions to the coroner or prosecutor and the coroner has discretion to compel the witness to respond.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5769 be substituted therefor, and the substitute bill do pass.

Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel, Darneille, Frockt and Wilson.

Staff: Tim Ford (786-7423)

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.

Background: A coroner, in their discretion, has the discretion to hold an inquest if the coroner suspects that the death of a person was unnatural, violent, resulted from unlawful means, from suspicious circumstances, or was of such a nature as to indicate the possibility of death by the hand of the deceased or through the instrumentality of some other person. The coroner in the county where an inquest is to be convened must notify the superior court to provide persons to serve as a jury of inquest to hear all the evidence concerning the death and to inquire into and render a true verdict on the cause of death.

At the coroner's request, the superior court is required to schedule a courtroom for the inquest, a bailiff, reporter, and any security deemed reasonably necessary. The inquest must take place within 18 months of the coroner's request to the court. If the superior court cannot accommodate the inquest for good cause shown, the court may designate a comparable public venue for the inquest in the county. If the superior court is unable to provide a courtroom or alternate public venue, it must certify courtroom unavailability in writing within 60 days of the request and the inquest then must be scheduled and transferred to another county within 100 miles of the requesting county.

The prosecuting attorney having jurisdiction must be notified in advance of an inquest and has the discretion to be present at and assist the coroner. The costs of inquests, including any costs incurred by the superior court, are paid by the county in which the inquest is requested. When an inquest is transferred to another county due to unavailability of a courtroom, the county from which the inquest is transferred must pay the county in which the inquest is held all costs accrued for per diem and mileage for jurors and witnesses and all other costs properly charged to the transferring county.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (First Substitute): If a medical examiner unreasonably refuses as a matter of policy to conduct an inquest in any case, the county legislative authority, by a majority vote, may call for an inquest to be conducted. Special consideration should be taken in conducting an inquest when a death results from interaction with law enforcement, and when a death occurs during incarceration and is by unnatural means. Counties must establish funding reserves to fund inquest expenditures.

In those instances where the deceased is a member of a federally recognized Indian tribe in Washington State, the coroner must notify the tribe and include them in the inquest process to the extent possible. The prosecuting attorney having jurisdiction must be notified in advance of any such inquest to be held, and is required to be present at and assist the coroner.

The inquest must take place within 90 days, instead of within 18 months, of the coroner's request to the court. If the superior court is unable to provide a courtroom or an alternate comparable public venue, it must certify courtroom unavailability in writing within 15 days, instead of within 60 days and the inquest must be scheduled and transferred to another county.

A juror may submit written questions for a witness to the coroner or prosecuting attorney. At the discretion of the coroner, the witness may be compelled to respond to the questions.

EFFECT OF CHANGES MADE BY LAW & JUSTICE COMMITTEE (First Substitute): Eliminates the requirement that an inquest must be conducted within 90 days if a death resulted from police interaction. If a medical examiner refuses to conduct an inquest, the county legislative authority may call for one.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony on Proposed Substitute: *Testimony from 2017 Regular Session. The committee recommended a different version of the bill than what was heard.* PRO: A properly done inquest provides due process, certainty, and community peace. Some medical examiners refuse to ever call for an inquest. It is important to have a good relationship with the prosecuting attorney when conducting inquests.

CON: Usually, whether to call an inquest is a joint decision between the coroner and the prosecutor. The 90 day requirement is too short for complex cases. The most important thing is to reach a correct decision. Transparency is currently provided by the public records act.

OTHER: This should be directed at medical examiners who serve at the pleasure of the county legislative authority. Six counties have medical examiners. Not all law enforcement involved deaths should require an inquest.

Persons Testifying: PRO: Senator Mike Padden, Prime Sponsor.

CON: Warren McLeod, Lewis Co. Coroner; Greg Sandstrom, Kitsap Co. Coroner.

OTHER: Shawn Sant, Franklin County Prosecuting Attorney.

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