1326-S.E AMS HLG S2303.1

ESHB 1326 - S COMM AMD
By Committee on Housing & Local Government

ADOPTED 04/03/2021

1 Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 36.24
RCW to read as follows:
Within 12 months of being elected or appointed to the office, a
coroner or medical examiner must have a certificate of completion of
medicolegal forensic investigation training that complies with the
standards adopted for the medicolegal training academy adopted by the
criminal justice training commission in conjunction with the
Washington association of coroners and medical examiners and a
practicing physician selected by the commission pursuant to section 3
of this act. This requirement does not apply to an elected prosecutor
acting as the ex officio coroner in a county. All medicolegal
investigative personnel employed by any coroner's or medical
examiner's office must complete medicolegal forensic investigation
training as required under section 3 of this act. A county in which
the coroner or county medical examiner has not obtained such
certification within 12 months of assuming office may have its
reimbursement from the death investigations account reduced as
provided under RCW 68.50.104.

NEW SECTION. Sec. 2. A new section is added to chapter 36.24
RCW to read as follows:
Except those run by a county prosecutor, all county coroner's
offices and medical examiner's offices must be accredited by either
the international association of coroners and medical examiners or
the national association of medical examiners no later than July 1,
2025, and maintain continued accreditation thereafter. A county that
contracts for its coroner or medical examiner services with an
accredited coroner or medical examiner's office in another county
does not need to maintain accreditation.

Code Rev/MW:akl 1
S-2303.1/21
NEW SECTION. Sec. 3. A new section is added to chapter 43.101
RCW to read as follows:

(1)(a) All elected coroners, appointed coroners, persons serving
as coroners, medical examiners, and all other full-time medicolegal
investigative personnel employed by a county coroner's or medical
examiner's office must successfully complete medicolegal forensic
investigation training through the medicolegal training academy
program within 12 months of being elected, appointed, or employed
unless otherwise exempted by the commission. This section does not
apply to elected prosecutors who are coroners in their counties.
(b) All part-time medicolegal investigative personnel employed by
a county coroner's or medical examiner's office must successfully
complete medicolegal forensic investigation training through the
medicolegal training academy program within 18 months of being
employed unless otherwise exempted by the commission.

(2) The commission, in conjunction with the Washington
association of coroners and medical examiners and a practicing
physician selected by the commission, shall develop the medicolegal
forensic investigation training curriculum and adopt the standards
for the medicolegal training academy and any exemption from the
requirement to complete the medicolegal forensic investigation
training. The commission shall exempt from this requirement any
coronor, medical examiner, or medicolegal investigative personnel who
has obtained training comparable to the medicolegal forensic
investigation training by virtue of educational or professional
training or experience.

(3) The commission must certify successful completion of the
medicolegal forensic investigation training or exemption from the
medicolegal training requirement within 60 days from the receipt of
proof of completion or request for exemption.

(4) The medicolegal forensic investigation training required
under this section must:
(a) Meet the recommendations of the national commission on
forensic science for certification and accreditation; and
(b) Satisfy the requirements for training on the subject of
sudden, unexplained child death including, but not limited to, sudden
infant death syndrome developed pursuant to RCW 43.103.100 and
missing persons protocols pursuant to RCW 43.103.110.

(5) Certification under this section is a condition of continued
employment in a coroner's or medical examiner's office.
(6) A county in which a coroner, person serving as coroner, medical examiner, or other medicolegal investigative employee, who has not otherwise been exempted by the commission, is not certified within 12 months of being elected, appointed, or employed as required by this section, may have its reimbursement from the death investigations account reduced as provided under RCW 68.50.104 until the office is in compliance with all requirements under this section.

Sec. 4. RCW 36.16.030 and 2015 c 53 s 61 are each amended to read as follows:

Except as provided elsewhere in this section, in every county there shall be elected from among the qualified voters of the county a county assessor, a county auditor, a county clerk, a county coroner, three county commissioners, a county prosecuting attorney, a county sheriff, and a county treasurer, except that in each county with a population of less than forty thousand the county legislative authority may determine that no coroner shall be elected and ((the prosecuting attorney shall be ex officio coroner. Whenever the population of a county increases to forty thousand or more, the prosecuting attorney shall continue as ex officio coroner until a coroner is elected, at the next general election at which the office of prosecuting attorney normally would be elected, and assumes office as provided in RCW 29A.60.280. In any county where the population has once attained forty thousand people and a current coroner is in office and a subsequent census indicates less than forty thousand people, the county legislative authority may maintain the office of coroner by resolution or ordinance. If the county legislative authority has not passed a resolution or enacted an ordinance to maintain the office of coroner, the elected coroner shall remain in office for the remainder of the term for which he or she was elected, but no coroner shall be elected at the next election at which that office would otherwise be filled and the prosecuting attorney shall be the ex officio coroner)) instead appoint a coroner. In a county with a population of two hundred fifty thousand or more, the county legislative authority may replace the office of coroner with a medical examiner system and appoint a medical examiner as specified in RCW 36.24.190. Any county may enter into an interlocal agreement under chapter 39.34 RCW with an adjoining county for the provision of coroner or medical examiner services. A noncharter county may have
five county commissioners as provided in RCW 36.32.010 and 36.32.055 through 36.32.0558.

Sec. 5. RCW 36.16.030 and 2015 c 53 s 61 are each amended to read as follows:

Except as provided elsewhere in this section, in every county there shall be elected from among the qualified voters of the county a county assessor, a county auditor, a county clerk, a county coroner, three county commissioners, a county prosecuting attorney, a county sheriff, and a county treasurer, except that in each county with a population of less than forty thousand no coroner shall be elected and the prosecuting attorney shall be ex officio coroner. Whenever the population of a county increases to forty thousand or more, the prosecuting attorney shall continue as ex officio coroner until a coroner is elected, at the next general election at which the office of prosecuting attorney normally would be elected, and assumes office as provided in RCW 29A.60.280. In any county where the population has once attained forty thousand people and a current coroner is in office and a subsequent census indicates less than forty thousand people, the county legislative authority may maintain the office of coroner by resolution or ordinance. If the county legislative authority has not passed a resolution or enacted an ordinance to maintain the office of coroner, the elected coroner shall remain in office for the remainder of the term for which he or she was elected, but no coroner shall be elected at the next election at which that office would otherwise be filled and the prosecuting attorney shall be the ex officio coroner. In a county with a population of two hundred fifty thousand or more, the county legislative authority may replace the office of coroner with a medical examiner system and appoint a medical examiner as specified in RCW 36.24.190. Any county may enter into an interlocal agreement under chapter 39.34 RCW with an adjoining county for the provision of coroner or medical examiner services. A noncharter county may have five county commissioners as provided in RCW 36.32.010 and 36.32.055 through 36.32.0558.

Sec. 6. RCW 36.17.020 and 2008 c 309 s 2 are each amended to read as follows:

The county legislative authority of each county or a county commissioner or councilmember salary commission which conforms with Code Rev/MW:akl
RCW 36.17.024 is authorized to establish the salaries of the elected officials of the county. The state and county shall contribute to the costs of the salary of the elected prosecuting attorney as set forth in subsection (11) of this section. The annual salary of a county elected official shall not be less than the following:

(1) In each county with a population of one million or more: Auditor, clerk, treasurer, sheriff, members of the county legislative authority, and coroner, eighteen thousand dollars; and assessor, nineteen thousand dollars;

(2) In each county with a population of from two hundred ten thousand to less than one million: Auditor, seventeen thousand six hundred dollars; clerk, seventeen thousand six hundred dollars; treasurer, seventeen thousand six hundred dollars; sheriff, nineteen thousand five hundred dollars; assessor, seventeen thousand six hundred dollars; members of the county legislative authority, nineteen thousand five hundred dollars; and coroner, seventeen thousand six hundred dollars;

(3) In each county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand: Auditor, sixteen thousand dollars; clerk, sixteen thousand dollars; treasurer, sixteen thousand dollars; sheriff, seventeen thousand six hundred dollars; assessor, sixteen thousand dollars; members of the county legislative authority, seventeen thousand six hundred dollars; and coroner, sixteen thousand dollars;

(4) In each county with a population of from seventy thousand to less than one hundred twenty-five thousand: Auditor, fourteen thousand nine hundred dollars; clerk, fourteen thousand nine hundred dollars; treasurer, fourteen thousand nine hundred dollars; assessor, fourteen thousand nine hundred dollars; sheriff, fourteen thousand nine hundred dollars; members of the county legislative authority, fourteen thousand nine hundred dollars; and coroner, fourteen thousand nine hundred dollars;

(5) In each county with a population of from forty thousand to less than seventy thousand: Auditor, thirteen thousand eight hundred dollars; clerk, thirteen thousand eight hundred dollars; treasurer, thirteen thousand eight hundred dollars; assessor, thirteen thousand eight hundred dollars; sheriff, thirteen thousand eight hundred dollars; members of the county legislative authority, thirteen thousand eight hundred dollars; and coroner, thirteen thousand eight hundred dollars;
(6) In each county with a population of from eighteen thousand to
less than forty thousand: Auditor, twelve thousand one hundred
dollars; clerk, twelve thousand one hundred dollars; treasurer,
twelve thousand one hundred dollars; sheriff, twelve thousand one
hundred dollars; assessor, twelve thousand one hundred dollars;
((and)) members of the county legislative authority, eleven thousand
dollars; and coroner, $11,000 or on a per case basis as determined by
the county legislative authority;

(7) In each county with a population of from twelve thousand to
less than eighteen thousand: Auditor, ten thousand one hundred
dollars; clerk, ten thousand one hundred dollars; treasurer, ten
thousand one hundred dollars; assessor, ten thousand one hundred
dollars; sheriff, eleven thousand two hundred dollars; ((and))
members of the county legislative authority, nine thousand four
hundred dollars; and coroner, $9,400 or on a per case basis as
determined by the county legislative authority;

(8) In each county with a population of from eight thousand to
less than twelve thousand: Auditor, ten thousand one hundred
dollars; clerk, ten thousand one hundred dollars; treasurer, ten thousand one
hundred dollars; assessor, ten thousand one hundred dollars; sheriff,
eten thousand two hundred dollars; ((and)) members of the county
legislative authority, seven thousand dollars; and coroner, $7,000 or
on a per case basis as determined by the county legislative
authority;

(9) In each county with a population of from five thousand to
less than eight thousand: Auditor, nine thousand one hundred dollars;
clerk, nine thousand one hundred dollars; treasurer, nine thousand
one hundred dollars; assessor, nine thousand one hundred dollars;
sheriff, ten thousand five hundred dollars; ((and)) members of the
county legislative authority, six thousand five hundred dollars; and
coronor, $6,500 or on a per case basis as determined by the county
legislative authority;

(10) In each other county: Auditor, nine thousand one hundred
dollars; clerk, nine thousand one hundred dollars; treasurer, nine
thousand one hundred dollars; sheriff, ten thousand five hundred
dollars; assessor, nine thousand one hundred dollars; ((and)) members
of the county legislative authority, six thousand five hundred dollars; and coroner, $6,500 or on a per case basis as determined by
the county legislative authority;
(11) The state of Washington shall contribute an amount equal to one-half the salary of a superior court judge towards the salary of the elected prosecuting attorney. Upon receipt of the state contribution, a county shall continue to contribute towards the salary of the elected prosecuting attorney in an amount that equals or exceeds that contributed by the county in 2008.

Sec. 7. RCW 68.50.010 and 1963 c 178 s 1 are each amended to read as follows:

The jurisdiction of bodies of all deceased persons who come to their death suddenly when in apparent good health without medical attendance within the thirty-six hours preceding death; or where the circumstances of death indicate death was caused by unnatural or unlawful means; or where death occurs under suspicious circumstances; or where a coroner's autopsy or postmortem or coroner's inquest is to be held; or where death results from unknown or obscure causes, or where death occurs within one year following an accident; or where the death is caused by any violence whatsoever, or where death results from a known or suspected abortion; whether self-induced or otherwise; where death apparently results from drowning, hanging, burns, electrocution, gunshot wounds, stabs or cuts, lightning, starvation, radiation, exposure, alcoholism, narcotics or other addictions, tetanus, strangulations, suffocation or smothering; or where death is due to premature birth or still birth; or where death is due to a violent contagious disease or suspected contagious disease which may be a public health hazard; or where death results from alleged rape, carnal knowledge or sodomy, where death occurs in a jail or prison; where a body is found dead or is not claimed by relatives or friends, is hereby vested in the county coroner or medical examiner, which bodies may be removed and placed in the morgue under such rules as are adopted by the coroner or medical examiner with the approval of the county commissioners, having jurisdiction, providing therein how the bodies shall be brought to and cared for at the morgue and held for the proper identification where necessary.

Sec. 8. RCW 68.50.104 and 2019 c 317 s 4 are each amended to read as follows:

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

(2)(a) Except as provided in (b) of this subsection, when the
county bears the cost of an autopsy, it shall be reimbursed from the
death investigations account, established by RCW 43.79.445, as
follows:
   (i) Up to forty percent of the cost of contracting for the
   services of a pathologist to perform an autopsy;
   (ii) Up to $25\text{,}000$ percent of the salary of
   pathologists who are primarily engaged in performing autopsies and
   are (A) county coroners or county medical examiners, or (B) employees
   of a county coroner or county medical examiner; and
   (iii) One hundred percent of the cost of autopsies conducted
   under RCW 70.54.450.

(b) When the county bears the cost of an autopsy of a child under
the age of three whose death was sudden and unexplained, the county
shall be reimbursed for the expenses of the autopsy when the death
scene investigation and the autopsy have been conducted under RCW
43.103.100 (4) and (5), and the autopsy has been done at a facility
designed for the performance of autopsies.

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

(4) Where the county coroner's office or county medical
examiner's office is not accredited pursuant to section 2 of this
act, or a coroner, medical examiner, or other medicolegal
investigative employee is not certified as required by sections 1 and
3 of this act, the state treasurer's office shall withhold 25 percent
of autopsy reimbursement funds until accreditation under section 2 of
this act or compliance with sections 1 and 3 of this act is achieved.

NEW SECTION. Sec. 9. Sections 4 and 6 of this act take effect
January 1, 2025.

NEW SECTION. Sec. 10. Section 5 of this act expires January 1,
2025."
On page 1, line 1 of the title, after "examiners;" strike the remainder of the title and insert "amending RCW 36.16.030, 36.16.030, 36.17.020, 68.50.010, and 68.50.104; adding new sections to chapter 36.24 RCW; adding a new section to chapter 43.101 RCW; providing an effective date; and providing an expiration date."

**EFFECT:** Removes the option for the prosecuting attorney to serve as ex-officio coroner.

--- END ---