

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
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 36.24
4 RCW to read as follows:

5 Within 12 months of being elected or appointed to the office, a
6 coroner or medical examiner must have a certificate of completion of
7 medicolegal forensic investigation training that complies with the
8 standards adopted for the medicolegal training academy adopted by the
9 criminal justice training commission in conjunction with the
10 Washington association of coroners and medical examiners and a
11 practicing physician selected by the commission pursuant to section 3
12 of this act. This requirement does not apply to an elected prosecutor
13 acting as the ex officio coroner in a county. All medicolegal
14 investigative personnel employed by any coroner's or medical
15 examiner's office must complete medicolegal forensic investigation
16 training as required under section 3 of this act. A county in which
17 the coroner or county medical examiner has not obtained such
18 certification within 12 months of assuming office may have its
19 reimbursement from the death investigations account reduced as
20 provided under RCW 68.50.104.

21 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.24
22 RCW to read as follows:

23 Except those run by a county prosecutor, all county coroner's
24 offices and medical examiner's offices must be accredited by either
25 the international association of coroners and medical examiners or
26 the national association of medical examiners no later than July 1,
27 2025, and maintain continued accreditation thereafter. A county that
28 contracts for its coroner or medical examiner services with an
29 accredited coroner or medical examiner's office in another county
30 does not need to maintain accreditation.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.101
2 RCW to read as follows:

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

11 (b) All part-time medicolegal investigative personnel employed by
12 a county coroner's or medical examiner's office must successfully
13 complete medicolegal forensic investigation training through the
14 medicolegal training academy program within 18 months of being
15 employed unless otherwise exempted by the commission.

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

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

31 (4) The medicolegal forensic investigation training required
32 under this section must:

33 (a) Meet the recommendations of the national commission on
34 forensic science for certification and accreditation; and

35 (b) Satisfy the requirements for training on the subject of
36 sudden, unexplained child death including, but not limited to, sudden
37 infant death syndrome developed pursuant to RCW 43.103.100 and
38 missing persons protocols pursuant to RCW 43.103.110.

39 (5) Certification under this section is a condition of continued
40 employment in a coroner's or medical examiner's office.

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

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

10 Except as provided elsewhere in this section, in every county
11 there shall be elected from among the qualified voters of the county
12 a county assessor, a county auditor, a county clerk, a county
13 coroner, three county commissioners, a county prosecuting attorney, a
14 county sheriff, and a county treasurer, except that in each county
15 with a population of less than forty thousand the county legislative
16 authority may determine that no coroner shall be elected and (~~the~~
17 ~~prosecuting attorney shall be ex officio coroner. Whenever the~~
18 ~~population of a county increases to forty thousand or more, the~~
19 ~~prosecuting attorney shall continue as ex officio coroner until a~~
20 ~~coroner is elected, at the next general election at which the office~~
21 ~~of prosecuting attorney normally would be elected, and assumes office~~
22 ~~as provided in RCW 29A.60.280. In any county where the population has~~
23 ~~once attained forty thousand people and a current coroner is in~~
24 ~~office and a subsequent census indicates less than forty thousand~~
25 ~~people, the county legislative authority may maintain the office of~~
26 ~~coroner by resolution or ordinance. If the county legislative~~
27 ~~authority has not passed a resolution or enacted an ordinance to~~
28 ~~maintain the office of coroner, the elected coroner shall remain in~~
29 ~~office for the remainder of the term for which he or she was elected,~~
30 ~~but no coroner shall be elected at the next election at which that~~
31 ~~office would otherwise be filled and the prosecuting attorney shall~~
32 ~~be the ex officio coroner)) instead appoint a coroner. In a county
33 with a population of two hundred fifty thousand or more, the county
34 legislative authority may replace the office of coroner with a
35 medical examiner system and appoint a medical examiner as specified
36 in RCW 36.24.190. Any county may enter into an interlocal agreement
37 under chapter 39.34 RCW with an adjoining county for the provision of
38 coroner or medical examiner services. A noncharter county may have~~

1 five county commissioners as provided in RCW 36.32.010 and 36.32.055
2 through 36.32.0558.

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

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

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

37 The county legislative authority of each county or a county
38 commissioner or councilmember salary commission which conforms with

1 RCW 36.17.024 is authorized to establish the salaries of the elected
2 officials of the county. The state and county shall contribute to the
3 costs of the salary of the elected prosecuting attorney as set forth
4 in subsection (11) of this section. The annual salary of a county
5 elected official shall not be less than the following:

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

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

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

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

33 (5) In each county with a population of from forty thousand to
34 less than seventy thousand: Auditor, thirteen thousand eight hundred
35 dollars; clerk, thirteen thousand eight hundred dollars; treasurer,
36 thirteen thousand eight hundred dollars; assessor, thirteen thousand
37 eight hundred dollars; sheriff, thirteen thousand eight hundred
38 dollars; members of the county legislative authority, thirteen
39 thousand eight hundred dollars; and coroner, thirteen thousand eight
40 hundred dollars;

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

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

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

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

33 (10) In each other county: Auditor, nine thousand one hundred
34 dollars; clerk, nine thousand one hundred dollars; treasurer, nine
35 thousand one hundred dollars; sheriff, ten thousand five hundred
36 dollars; assessor, nine thousand one hundred dollars; ((and)) members
37 of the county legislative authority, six thousand five hundred
38 dollars; and coroner, \$6,500 or on a per case basis as determined by
39 the county legislative authority;

1 (11) The state of Washington shall contribute an amount equal to
2 one-half the salary of a superior court judge towards the salary of
3 the elected prosecuting attorney. Upon receipt of the state
4 contribution, a county shall continue to contribute towards the
5 salary of the elected prosecuting attorney in an amount that equals
6 or exceeds that contributed by the county in 2008.

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

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

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

37 (1) The cost of autopsy shall be borne by the county in which the
38 autopsy is performed, except when requested by the department of

1 labor and industries, in which case, the department shall bear the
2 cost of such autopsy.

3 (2) (a) Except as provided in (b) of this subsection, when the
4 county bears the cost of an autopsy, it shall be reimbursed from the
5 death investigations account, established by RCW 43.79.445, as
6 follows:

7 (i) Up to forty percent of the cost of contracting for the
8 services of a pathologist to perform an autopsy;

9 (ii) Up to (~~twenty-five~~) 30 percent of the salary of
10 pathologists who are primarily engaged in performing autopsies and
11 are (A) county coroners or county medical examiners, or (B) employees
12 of a county coroner or county medical examiner; and

13 (iii) One hundred percent of the cost of autopsies conducted
14 under RCW 70.54.450.

15 (b) When the county bears the cost of an autopsy of a child under
16 the age of three whose death was sudden and unexplained, the county
17 shall be reimbursed for the expenses of the autopsy when the death
18 scene investigation and the autopsy have been conducted under RCW
19 43.103.100 (4) and (5), and the autopsy has been done at a facility
20 designed for the performance of autopsies.

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

24 (4) Where the county coroner's office or county medical
25 examiner's office is not accredited pursuant to section 2 of this
26 act, or a coroner, medical examiner, or other medicolegal
27 investigative employee is not certified as required by sections 1 and
28 3 of this act, the state treasurer's office shall withhold 25 percent
29 of autopsy reimbursement funds until accreditation under section 2 of
30 this act or compliance with sections 1 and 3 of this act is achieved.

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

33 NEW SECTION. Sec. 10. Section 5 of this act expires January 1,
34 2025."

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ADOPTED 04/03/2021

1 On page 1, line 1 of the title, after "examiners;" strike the
2 remainder of the title and insert "amending RCW 36.16.030, 36.16.030,
3 36.17.020, 68.50.010, and 68.50.104; adding new sections to chapter
4 36.24 RCW; adding a new section to chapter 43.101 RCW; providing an
5 effective date; and providing an expiration date."

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

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