
Civil Rights & Judiciary Committee

SSB 5093

Brief Description: Concerning dignity in pregnancy loss.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Dhingra, Wellman, Cleveland, Bateman, Pedersen, Wilson, C., Hasegawa, Liias, Nobles, Salomon, Slatter, Stanford and Valdez).

Brief Summary of Substitute Bill

- Removes the jurisdiction of county coroners and medical examiners over the bodies of deceased persons whose death resulted from known or suspected abortions, or due to premature births or stillbirths.
- Repeals the crime of concealing birth.
- Requires correctional institutions and private detention facilities to report annually on the aggregate number of confined and incarcerated people who experience miscarriage, stillbirth, or perinatal loss.

Hearing Date: 3/14/25

Staff: Yelena Baker (786-7301).

Background:

Jurisdiction of County Coroner or Medical Examiner over Human Remains.

Every county in Washington has a coroner or medical examiner to investigate deaths, conduct inquests, order autopsies, and to determine the cause, manner, and mechanism of death in those cases falling under their jurisdiction.

The county coroner or medical examiner has jurisdiction of the bodies of all deceased persons who come to their death in a variety of circumstances set forth in statute, including:

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- suddenly when in apparent good health without medical attendance within the 36 hours preceding death;
- where the circumstances of death indicate death was caused by unnatural or unlawful means; or
- where death occurs under suspicious circumstances or from any violence whatsoever.

In addition, the jurisdiction of the coroner or medical examiner extends to the bodies of deceased persons whose death resulted from a known or suspected abortion, whether self-induced or otherwise, or whose death is due to premature birth or still birth.

It is the duty of every person who knows of the existence and location of human remains coming under the jurisdiction of the coroner or medical examiner to notify the coroner, medical examiner, or law enforcement of the remains in the most expeditious manner possible. Failure to give notice to the coroner without having a good reason to believe that the coroner already has notice of the remains is a misdemeanor.

The Crime of Concealing Birth.

A person commits the crime of Concealing Birth if the person conceals the birth of a child through the disposition of its dead body, whether the child died before or after birth. The crime of Concealing Birth is a gross misdemeanor, punishable by imprisonment in jail for up to 364 days, a fine of not more than \$5,000, or both.

Correctional Institutions and Private Detention Facilities.

A correctional institution is a place designated by law for the keeping of persons held in custody under process of law, or under lawful arrest, including state prisons, county and local jails, juvenile detention centers, and other facilities operated by the Department of Corrections; Department of Children, Youth, and Families; or local governmental units primarily for the purposes of punishment, correction, or rehabilitation following conviction or adjudication of a criminal offense.

A private detention facility is a detention facility that is operated by a private, nongovernmental for-profit entity and operating pursuant to a contract or agreement with a federal, state, or local governmental entity.

Summary of Bill:

The jurisdiction of county coroners and medical examiners over the bodies of deceased persons whose death resulted from known or suspected abortions, or due to premature births or still births, is removed.

The crime of Concealing Birth is repealed.

Correctional institutions and private detention facilities must report annually to the Department of Health (DOH) on the aggregate number of people who experience miscarriage, stillbirth, or

perinatal loss while confined or incarcerated in such facilities. The DOH must report such information to the Legislature on an annual basis, with the first report to be delivered by June 30, 2027. The report may not include personal identifying information of individuals who experience miscarriage, stillbirth, or perinatal loss.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.