

SSB 5256 - H COMM AMD
By Committee on Judiciary

ADOPTED 04/17/2013

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

3 "Sec. 1. RCW 68.50.105 and 2011 c 61 s 1 are each amended to read
4 as follows:

5 (1) Reports and records of autopsies or postmortems shall be
6 confidential, except that the following persons may examine and obtain
7 copies of any such report or record: The personal representative of
8 the decedent as defined in RCW 11.02.005, any family member, the
9 attending physician or advanced registered nurse practitioner, the
10 prosecuting attorney or law enforcement agencies having jurisdiction,
11 public health officials, the department of labor and industries in
12 cases in which it has an interest under RCW 68.50.103, or the secretary
13 of the department of social and health services or his or her designee
14 in cases being reviewed under RCW 74.13.640.

15 (2)(a) Notwithstanding the restrictions contained in this section
16 regarding the dissemination of records and reports of autopsies or
17 postmortems, nor the exemptions referenced under RCW 42.56.240(1),
18 nothing in this chapter prohibits a coroner, medical examiner, or his
19 or her designee, from publicly discussing his or her findings as to any
20 death subject to the jurisdiction of his or her office where actions of
21 a law enforcement officer or corrections officer have been determined
22 to be a proximate cause of the death, except as provided in (b) of this
23 subsection.

24 (b) A coroner, medical examiner, or his or her designee may not
25 publicly discuss his or her findings outside of formal court or inquest
26 proceedings if there is a pending or active criminal investigation, or
27 a criminal or civil action, concerning a death that has commenced prior
28 to the effective date of this section.

29 (3) The coroner, the medical examiner, or the attending physician
30 shall, upon request, meet with the family of the decedent to discuss

1 the findings of the autopsy or postmortem. For the purposes of this
2 section, the term "family" means the surviving spouse, state registered
3 domestic partner, or any child, parent, grandparent, grandchild,
4 brother, or sister of the decedent, or any person who was guardian of
5 the decedent at the time of death.

6 NEW SECTION. **Sec. 2.** A new section is added to chapter 68.50 RCW
7 to read as follows:

8 No coroner, medical examiner, or his or her designee shall be
9 liable, nor shall a cause of action exist, for any loss or damage based
10 upon the release of any information related to his or her findings
11 under RCW 68.50.105 if the coroner, medical examiner, or his or her
12 designee acted in good faith in attempting to comply with the
13 provisions of this chapter.

14 NEW SECTION. **Sec. 3.** This act takes effect January 1, 2014."

15 Correct the title.

EFFECT: Provides that a coroner, medical examiner, or designee is not prevented from publicly discussing findings as to any death within his or her jurisdiction that was proximately caused by a law enforcement or corrections officer (rather than conclusions regarding the cause, manner, and mechanism of death when the death was proximately caused by a law enforcement officer or occurred in a penitentiary or institution). However, public discussion of findings related to a death is restricted to formal court and inquest proceedings when there is a criminal investigation or litigation concerning the death that is in place at the time of the effective date of the act.

Adds language providing immunity from liability for release of information by a coroner, medical examiner, or designee, as long as he or she made a good faith attempt to comply with the law.

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