

HOUSE BILL REPORT

HB 2476

As Reported By House Committee On:

Judiciary

Title: An act relating to investigating sudden unexplained deaths of children.

Brief Description: Investigating deaths of children.

Sponsors: Representatives Lambert, Kagi, Dickerson, Hurst, Cox, Carrell, Boldt, D. Sommers, Mulliken, Esser, Stensen, McDonald, Ruderman, Edwards, Keiser and Rockefeller.

Brief History:

Committee Activity:

Judiciary: 1/28/00, 2/3/00 [DPS].

Brief Summary of Substitute Bill

- Requires the Forensic Investigations Council to develop or endorse a death scene investigations protocol and autopsy protocol.
- Requires death investigators and law enforcement officers to receive training for conducting investigations of the sudden and unexplained deaths of children under three.
- Allows counties to be reimbursed for the costs of autopsies of bodies of children under the age of three who have died suddenly and without explanation if the counties follow certain protocol.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Staff: Trudes Hutcheson (786-7384).

Background:

The county coroner or medical examiner has exclusive jurisdiction over the bodies of those who have died under suspicious or unnatural circumstances or under other specified conditions. The coroner or medical examiner is responsible for determining the cause and manner of death.

Each county has either: (a) an elected county coroner; (b) a prosecutor who acts as a coroner in counties with a population of 40,000 or less; or (c) an appointed medical examiner who is a certified pathologist.

Autopsies, which are performed by pathologists, help determine the cause of death. Counties are reimbursed for autopsies as follows:

- up to 40 percent of the cost of contracting for the services of a pathologist to perform an autopsy; and
- up to 25 percent of the salaries of pathologists who are primarily engaged in performing autopsies and are either county coroners or medical examiners, or who are employees of a county coroner or county medical examiner.

When the autopsy of a child under the age of three is performed by the University of Washington Medical School, the medical school bears the costs of the autopsy.

The state Forensic Investigations Council was created to, among other things, improve the performance of death investigations through the formal training of county coroners and county medical examiners.

In 1991, the council was directed to develop a training component on investigating the sudden, unexplained deaths of children and sudden infant death syndrome. The training is offered to first responders, coroners, medical examiners, prosecuting attorneys serving as coroners, and investigators, voluntarily through their various associations and as a course offering at the Criminal Justice Training Center.

Summary of Substitute Bill:

Training for death investigators must specifically include a death scene investigation protocol for the sudden, unexplained deaths of children under the age of three. The protocol must be endorsed or developed by the Forensic Investigations Council. City and county law enforcement officers and emergency medical personnel are also required to receive training for investigating these specific types of deaths as part of their basic training through the Criminal Justice Training Commission or the Department of Health emergency medical training certification program.

Each county must use a death scene investigations protocol that has either been endorsed or developed by the council for investigating any sudden and unexplained death of a child under the age of three.

The council must develop a protocol for autopsies on bodies of children under the age of three whose deaths were sudden and unexplained. Pathologists who are not certified in forensic pathology must use the protocol.

A county will be reimbursed for the costs of an autopsy of a child under three whose death was sudden and unexplained when: (a) investigators used a death scene investigation protocol endorsed or developed by the council; (b) the autopsy protocol was used if the pathologist performing the autopsy is not a forensic pathologist; and (c) the autopsy was performed at a facility designed for autopsies.

Substitute Bill Compared to Original Bill: The substitute bill allows counties to be reimbursed for the full cost of the autopsy of a child under the age of three, as opposed to only up to 40 percent of the cost if the county followed the protocols and conducted the autopsy in a facility designed for the performance of autopsies.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Training protocols will provide much needed uniformity across the state regarding the investigations of SIDS deaths. Families are traumatized when law enforcement treat them like criminals while investigating the unexplained death of a baby. Training would teach law enforcement how to investigate such deaths with sensitivity. There shouldn't be any fiscal impact from this bill.

Testimony Against: None.

Testified: (In support) Representative Lambert, prime sponsor; Dr. Richard Harruff, Child Death Review Advisory Committee, Washington State Sudden Infant Death Syndrome (SIDS) Foundation, and King County Medical Examiner; and Deborah Robinson, Washington State Sudden Infant Death Syndrome (SIDS) Foundation.

(In support with amendment) Fred Johnson, Chair, Forensic Investigations Council.