

# HOUSE BILL REPORT

## HB 1216

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### As Passed Legislature

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

**Brief Description:** Investigating sudden unexplained deaths of children.

**Sponsors:** Representatives Lambert, O'Brien, Carrell and Delvin.

**Brief History:**

**Committee Activity:**

Judiciary: 1/26/01, 2/22/01 [DP].

**Floor Activity:**

Passed House: 3/9/01, 93-0.

Passed Senate: 4/5/01, 47-0.

Passed Legislature.

### Brief Summary of Bill

- Requires the Forensic Investigations Council to develop or endorse protocols for death scene investigations and autopsies of children under age three whose deaths were sudden and unexplained.
- Requires law enforcement officers and emergency medical personnel to receive training for investigating sudden unexplained deaths of children under age three.
- Allows counties to be reimbursed for autopsies of children under age three whose deaths were sudden and unexplained if the county uses certain protocols.

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### HOUSE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass. Signed by 9 members: Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Casada, Dickerson, Esser, Lovick and McDermott.

**Staff:** Trudes Hutcheson (786-7384).

**Background:**

The Washington State Forensic Investigations Council (FIC) was created to, among other things, manage the Death Investigations Account and provide training to county coroners and medical examiners for performing death investigations.

The FIC developed training on the subject of sudden unexplained child deaths. The training includes, at a minimum: (a) medical information for first responders; (b) information on community resources and support groups for families; and (c) a protocol of investigating cases of sudden, unexplained child death.

The training is offered on a voluntary basis to first responders, coroners, medical examiners, prosecuting attorneys serving as coroners, and investigators, through their various associations and as a course offering at the Criminal Justice Training Center.

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.

Pathologists perform autopsies to determine the cause of death. Counties without a medical examiner contract with other county medical examiners for autopsies. Generally, the county in which the autopsy is performed bears the cost of the autopsy. The county is reimbursed from the death investigations account as follows:

- up to 40 percent of the cost of contracting for services of a pathologist to perform an autopsy; and
- up to 25 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.

When an autopsy on a child under the age of three is performed by the University of Washington, the school bears the cost. Not all pathologists are certified as forensic pathologists.

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**Summary of Bill:**

Training for death investigators must include a scene investigation protocol endorsed or developed by the FIC.

Training for investigating the sudden unexplained death of a child under the age of three is required for city and county law enforcement officers and emergency medical personnel certified by the Department of Health as part of their basic training through the Criminal Justice Training Commission or the Department of Health emergency medical training certification program. Counties must use a protocol endorsed or developed by the FIC for scene investigations of these kinds of deaths.

The FIC must develop a protocol for autopsies of children under the age of three whose deaths are sudden and unexplained. Pathologists who are not certified forensic pathologists and who are providing autopsy services to coroners and medical examiners must use the FIC protocol.

A county will be reimbursed for an autopsy of a child under the age of three whose death was sudden and unexplained if the death scene investigation and the autopsy were conducted under the protocols and the autopsy was done at a facility designed for the performance of autopsies.

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** When families must deal with a sudden infant death syndrome (SIDS) death, they need to get as much information and support as possible. The goal of this bill is to make the police aware of the differences between a crime scene and a death scene. There are inconsistencies on how SIDS is investigated. Families need timely and compassionate responses in these cases. A police officer should know how to be compassionate in investigating the case. Consistency in investigation procedures will also help to get reliable information efficiently to the necessary entities.

**Testimony Against:** None.

**Testified:** (In support) Representative Lambert, prime sponsor; Deborah Robinson and Victoria Andrews, Sudden Infant Death Syndrome Foundation of Washington; and Debbie Wilke, Forensic Investigations Council.

(Comments only) Michael Parsons and Pam Kesselburg, Washington Criminal Justice Training Commission.