

---

SENATE BILL 6112

---

State of Washington

57th Legislature

2001 Regular Session

By Senators Kline, Costa, Franklin, Constantine and Prentice

Read first time 02/22/2001. Referred to Committee on Judiciary.

1 AN ACT Relating to inquest hearings; amending RCW 36.24.020; adding  
2 new sections to chapter 36.24 RCW; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The legislature finds that the public must  
5 have trust and confidence in prosecutorial, judicial, and law  
6 enforcement officials in order to have an effective inquest hearing  
7 process. In particular, whenever a law enforcement officer in the  
8 course of performing his or her official duties causes the death of a  
9 person, the incident deserves careful review and close public scrutiny  
10 in an open process that ensures equal rights and due process for the  
11 law enforcement officer, the deceased, and the deceased's family.

12 The legislature further finds that the current statute governing  
13 inquest hearings needs to be modernized and updated to eliminate any  
14 potential for conflict of interest, ensure accountability of public  
15 officials, and maintain professionalism within law enforcement  
16 agencies. In addition, the legislature finds that the family of the  
17 deceased should be granted greater opportunities at inquest hearings to  
18 present evidence, call witnesses, and cross-examine witnesses to ensure  
19 their full participation during the inquest hearings.

1 The legislature also finds that the purpose of an inquest hearing  
2 is not to make any determination or findings regarding liability for  
3 criminal acts or responsibility for civil damages, but rather to ensure  
4 that the public is aware of the facts and circumstances surrounding the  
5 death of a person.

6 **Sec. 2.** RCW 36.24.020 and 1988 c 188 s 18 are each amended to read  
7 as follows:

8 (1) Inquests are to be held according to the following:

9 (a) Any coroner, in his or her discretion, may hold an inquest if  
10 the coroner suspects that the death of a person was unnatural, or  
11 violent, or resulted from unlawful means, or from suspicious  
12 circumstances, or was of such a nature as to indicate the possibility  
13 of death by the hand of the deceased or through the instrumentality of  
14 some other person(~~(:—PROVIDED, That,)~~)).

15 (b) Except under suspicious circumstances, no inquest shall be held  
16 following a traffic death.

17 (c) Any coroner shall hold an inquest if the coroner suspects that  
18 the death of a person is due to the actions, performed or purporting to  
19 be performed in the official capacity, of a law enforcement officer.

20 (2) The coroner in the county where an inquest is to be convened  
21 pursuant to this chapter shall notify the superior court to provide  
22 persons to serve as a jury of inquest to hear all the evidence  
23 concerning the death and to inquire into and render a true verdict on  
24 the cause of death. Jurors shall be selected and summoned in the same  
25 manner and shall have the same qualifications as specified in chapter  
26 2.36 RCW. The prosecuting attorney having jurisdiction shall be  
27 notified in advance of any such inquest to be held, and at his  
28 discretion may be present at and assist the coroner in the conduct of  
29 the same. At the request of the coroner, law enforcement officers from  
30 the appropriate political subdivision shall assist the coroner in the  
31 investigation as to the cause of death. The coroner may adjourn the  
32 inquest from time to time as he may deem necessary.

33 (3) Notwithstanding the provisions of subsection (2) of this  
34 section, the coroner in the county where an inquest is being convened  
35 shall notify the office of the attorney general if the inquest is being  
36 held under subsection (1)(c) of this section. The office of the  
37 attorney general shall have sole authority to assist the coroner in the  
38 investigation as to the cause of death and the circumstances leading to

1 the use of deadly force. A person conducting investigatory duties for  
2 the attorney general may not be under an employment contract with the  
3 agency employing the law enforcement officer.

4 (4) The costs of inquests shall be borne by the county in which the  
5 inquest is held, except that the costs of the investigation conducted  
6 under subsection (3) of this section shall be borne by the office of  
7 the attorney general.

8 NEW SECTION. Sec. 3. A new section is added to chapter 36.24 RCW  
9 to read as follows:

10 (1) If an inquest is being held under RCW 36.24.020(1)(c), the  
11 heirs of the deceased shall be allowed by the court to be a party to  
12 the proceedings. The heirs have the right to make opening and closing  
13 statements, present evidence, call witnesses, cross-examine witnesses,  
14 and to otherwise participate in the inquest to ensure a just  
15 adjudication and to protect the rights of the deceased. The court  
16 shall appoint a guardian ad litem at county expense, or as otherwise  
17 provided by law, for any minor children of the deceased. The court may  
18 allow joinder of the parties as provided by court rule.

19 (2) Except as otherwise provided for minor children of the  
20 deceased, the heirs of the deceased shall be entitled to the  
21 appointment of counsel at county expense, or as otherwise provided by  
22 law, if the court determines that the heirs of the deceased are  
23 indigent as provided by statute or court rule. For the purposes of  
24 this section, "heirs of the deceased" means the deceased's surviving  
25 spouse and minor children. If there is no surviving spouse or minor  
26 children, then "heirs of the deceased" means the deceased's surviving  
27 adult children. If there are no surviving adult children, then "heirs  
28 of the deceased" means the deceased's surviving parent or parents. If  
29 there is no surviving parent or parents, then "heirs of the deceased"  
30 means the surviving issue of the deceased's parent or parents. If  
31 there is no surviving issue of the deceased's parent or parents, then  
32 "heirs of the deceased" means the surviving grandparent or grandparents  
33 of the deceased.

34 (3) The court has the discretion to appoint counsel in a manner  
35 that will serve the best interests of justice when there are multiple  
36 heirs of the deceased, some of whom are indigent.

1        NEW SECTION.   **Sec. 4.**   A new section is added to chapter 36.24 RCW  
2 to read as follows:  
3        The provisions of this chapter do not preclude any civil cause of  
4 action for damages.

--- END ---