

SENATE BILL REPORT

SSB 6340

As Amended by House, February 28, 2010

Title: An act relating to membership of the Washington state forensic investigations council.

Brief Description: Changing the membership of the Washington state forensic investigations council.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Regala and Kline).

Brief History:

Committee Activity: Judiciary: 1/22/10, 1/26/10 [DPS].

Passed Senate: 2/10/10, 48-0.

Passed House: 2/28/10, 96-0.

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 6340 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin, Ranking Minority Member; Carrell, Gordon, Hargrove and Roach.

Staff: Juliana Roe (786-7438)

Background: The Washington State Forensics Investigations Council was established in 1983 and expanded from nine to 12 members in 1995. The council oversees the Bureau of Forensic Laboratory Services and is responsible for the oversight of any state forensic pathology programs. The composition of the council is drawn from nominations submitted to the Governor by organizations representing the professions required for appointment to the council.

Currently, a coroner and a medical examiner are appointed from nominations made by the Washington Association of County Officials; two members of a county legislative authority from nominations made by the Washington State Association of Counties; two members of a city legislative authority drawn from nominations made by the Association of Washington Cities; a county prosecutor who serves as ex officio county coroner and a county prosecutor from nominations made by the Washington Association of Prosecuting Attorneys; a county sheriff position and a chief of police from nominees of the Washington Association of

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Sheriffs and Police Chiefs; and a private pathologist nominated by the Washington Association of Pathologists.

Summary of Substitute Bill: The membership of the Washington State Forensics Investigations Council is increased to 14 members. One new member must be an attorney whose practice of law must include significant experience representing clients charged with criminal offenses. The Washington Association of Criminal Defense Lawyers and the Washington Defender Association must jointly submit two nominees for this position, one of whom must actively manage or have significant experience in managing a public or private criminal defense agency or association, and the other must have experience in cases involving DNA or other forensic evidence.

The other new member must be a scientist with experience in the areas of laboratory standards or quality assurance regulation and monitoring, who is a faculty member at a state or regional university, state college, or nonprofit college or university that has maintained its primary location in the state of Washington for a minimum of 25 consecutive years and has an enrollment of at least 500 students. The presidents of these colleges or universities may each forward to the Governor a nomination of a full-time member of the faculty at which the president serves for consideration as a member of the council. The Governor is not restricted to appointing a member of the council from those nominated by a president.

Appropriation: None.

Fiscal Note: Available on original bill.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: A study recently conducted by Congress found that the process is strengthened when all stakeholders are at the table. The Council is currently missing defense attorneys and scientists, in private practice or academia. The best path to the truth is by way of a well-rounded council. This is a good change.

OTHER: This council is part of a management loop that includes the state crime laboratory and the state toxicology laboratory. The controversy originally stemmed from the possibility that the defense attorney could be involved in active litigation whose client may have evidence being analyzed in one of the state crime labs which would be a conflict of interest.

Persons Testifying: PRO: Mark Prothero, Washington Association of Criminal Defense Lawyers and the Washington Defender Association.

OTHER: Tom McBride, Washington Association of Prosecuting Attorneys.

House Amendment(s): The new member, who was required to be a scientist with experience in the areas of laboratory standards or quality assurance regulation and monitoring, who is a faculty member at a state or regional university, state college, or nonprofit college or university that has maintained its primary location in the state of Washington for a minimum of 25 consecutive

years and has an enrollment of at least 500 students, is removed. The membership of the Washington State Forensics Investigations Council is increased to 13 members.