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SENATE BILL 6340

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State of Washington

61st Legislature

2010 Regular Session

By Senators Regala and Kline

Read first time 01/12/10. Referred to Committee on Judiciary.

1 AN ACT Relating to membership of the Washington state forensic  
2 investigations council; amending RCW 43.103.040; and creating a new  
3 section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that public confidence  
6 in the accurate resolution of matters in the criminal justice system is  
7 of the highest importance, and that it is in the best interests of  
8 public safety and individual liberty. The legislature further finds  
9 that such accurate resolution of criminal matters is greatly  
10 facilitated by valid and reliable forensic evidence. The legislature  
11 recognizes, however, that pressures on forensics laboratories around  
12 the country may compromise the reliability and validity of work done by  
13 even the most competent and ethical forensic practitioners. The  
14 legislature further recognizes that it is generally in the interest of  
15 law enforcement, prosecutors, defense attorneys, the forensic and  
16 general scientific communities, and the citizens of the state of  
17 Washington that forensic evidence relied upon within the justice system  
18 be scientifically valid and reliable, and that the public has  
19 confidence in such validity and reliability.

1           The intent of this act is to facilitate the mission of Washington's  
2 forensic laboratories to produce valid and reliable scientific evidence  
3 by ensuring appropriate input and guidance from each of the interested  
4 groups. Therefore, the legislature intends to add a criminal defense  
5 attorney and a scientist from an established university in the state of  
6 Washington to the forensic investigations council to increase the  
7 council's ability to carry out its statutory duties and increase public  
8 confidence in its work.

9           **Sec. 2.** RCW 43.103.040 and 1995 c 398 s 5 are each amended to read  
10 as follows:

11           The council shall consist of (~~twelve~~) fourteen members who shall  
12 be selected as follows: One county coroner; one county prosecutor; one  
13 county prosecutor who also serves as ex officio county coroner; one  
14 county medical examiner; one county sheriff; one chief of police; the  
15 chief of the state patrol; two members of a county legislative  
16 authority; one pathologist who is currently in private practice;  
17 (~~and~~) two members of a city legislative authority; one attorney whose  
18 practice of law includes significant experience representing clients  
19 charged with criminal offenses; and one scientist with experience in  
20 the areas of laboratory standards or quality assurance regulation and  
21 monitoring who is a faculty member at a state university, regional  
22 university, state college, or a nonprofit college or university that  
23 has maintained its primary location in the state of Washington for a  
24 minimum of twenty-five consecutive years and has an enrollment of at  
25 least five hundred students.

26           The governor shall appoint members to the council from among the  
27 nominees submitted for each position as follows: The Washington  
28 association of county officials shall submit two nominees each for the  
29 coroner position and the medical examiner position; the Washington  
30 state association of counties shall submit two nominees each for the  
31 two county legislative authority positions; the association of  
32 Washington cities shall submit two nominees each for the two city  
33 legislative authority positions; the Washington association of  
34 prosecuting attorneys shall submit two nominees each for the county  
35 prosecutor-ex officio county coroner and for the county prosecutor  
36 position; the Washington association of sheriffs and police chiefs  
37 shall submit two nominees each for the county sheriff position and the

1 chief of police position; ~~((and))~~ the Washington association of  
2 pathologists shall submit two nominees for the private pathologist  
3 position; the Washington association of criminal defense lawyers and  
4 the Washington defender association shall jointly submit two nominees  
5 for the criminal defense attorney position, one of whom must actively  
6 manage or have significant experience in managing a public or private  
7 criminal defense agency or association, the other must have experience  
8 in cases involving DNA or other forensic evidence; and the president of  
9 a state university, regional university, state college, or a nonprofit  
10 college or university that has maintained its primary location in the  
11 state of Washington for a minimum of twenty-five consecutive years and  
12 has an enrollment of at least five hundred students may each forward to  
13 the governor a nomination of a full-time member of the faculty at the  
14 university or college at which the president serves, for consideration  
15 as a member of the council. No president shall be required to submit  
16 a nomination and the governor shall not be restricted to appointing a  
17 member of the council from among individuals nominated by a president.

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