

SENATE BILL REPORT

SB 6037

As of January 13, 2012

Title: An act relating to access to reports and records of autopsies and postmortems.

Brief Description: Limiting access to reports and records of autopsies and postmortems.

Sponsors: Senators Delvin, Carrell, Honeyford and Kline.

Brief History:

Committee Activity: Judiciary: 1/13/12.

SENATE COMMITTEE ON JUDICIARY

Staff: Juliana Roe (786-7438)

Background: Under current law, the following persons may examine and obtain copies of reports and records of autopsies or postmortems of the decedent: the personal representative of the decedent, any family member, the attending physician or advanced registered nurse practitioner, the prosecuting attorney or law enforcement agencies having jurisdiction, public health officials, the department of labor and industries, or the secretary of the department of social and health services. The term family member includes the surviving spouse, stated registered domestic partner, or any child, parent, grandparent, grandchild, brother, or sister of the decedent at the time of death.

The coroner, medical examiner, or attending physician must meet with the family of the decedent if the family requests to discuss the findings of the autopsy or postmortem.

Summary of Bill: Any person who has plead guilty to, or been found guilty of, a crime that lead to or caused the decedent's death loses the right to examine or obtain an autopsy or postmortem report or record or to meet and discuss the findings of the autopsy or record.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Staff Summary of Public Testimony: PRO: This bill was created because a man, who plead guilty to killing his wife, requested his wife's autopsy reports once he was released from prison. Under current law, the coroner was required to provide the defendant those reports. The coroner feared that the man would use the reports for an unsavory purpose, such as disseminating them electronically or to punish his wife's family. We don't want to limit access to the reports for the purpose of establishing a defense and that is why this bill deals only with those who have been convicted.

CON: The problem with this bill has to do with its constitutionality. Defendants have a constitutional right to represent themselves in post-conviction proceedings. This bill would preclude them from having access to this information. A better way of approaching this issue would be to control the dissemination, publication, or distribution of the information once obtained.

Persons Testifying: PRO: Sen. Delvin, prime sponsor; John Hansens, Benton County Coroner.

CON: Ramona Brandes, WA Assn of Criminal Defense Lawyers, WA Defender Assn.