

SENATE BILL REPORT

SB 6065

As of January 17, 2012

Title: An act relating to county coroners.

Brief Description: Concerning county coroners.

Sponsors: Senators Kline, Swecker and Padden.

Brief History:

Committee Activity: Judiciary: 12/01/11, 1/17/12.

SENATE COMMITTEE ON JUDICIARY

Staff: Aldo Melchiori (786-7439)

Background: A county coroner may hold an inquest if there is suspicion that the death of a person was unnatural, violent, or resulted from unlawful means. The coroner convenes a jury to hear the evidence and renders a verdict on the cause of death. The prosecuting attorney is given advance notice of the inquest and may assist the coroner in the conduct of the inquest, but is not required to do so. The inquest process is not a jury trial on the guilt of a particular defendant. In all cases where the inquest jury finds that a murder or manslaughter was committed and also makes a finding regarding the identity of the person committing the crime, the coroner is required to issue a warrant for the person's arrest.

Summary of Bill: Instead of being required to independently issue an arrest warrant for a person suspected of committing an offense, the coroner may request that the superior court in the county which convened the inquest also issue the arrest warrant. The warrant must be supported by sufficient admissible evidence to justify conviction by a reasonable and objective trier of fact. The coroner also forwards the information found by the inquest jury (including witness testimony, written testimony, etc.) to the county prosecuting attorney. The prosecuting attorney then evaluates the evidence to determine whether, and against whom, criminal charges should be brought.

Various technical changes are made to clarify statutory language. Inquest jurors who fail to appear without cause are punished the same as regular trial jurors who fail to appear (a misdemeanor) instead of being fined up to \$20. It is clarified that a witness who fails to appear is subject to sanctions for contempt of court.

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.

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.

Staff Summary of Public Testimony:

Testimony From 2011 Second Special Session.

OTHER: Statutes that date from the late 1800s need to be updated to reflect current best practices. In other cases, arrest warrants are generally only issued based upon grand jury findings or after the prosecuting attorney files charges. Coroner's inquest findings are not necessarily based upon admissible evidence that could be used as evidence to file criminal charges against a defendant. The issue is clear; the specific language just needs to be worked out between the coroners and the prosecuting attorneys.

Testimony From 2012 Regular Session.

PRO: Presently, a coroner may be required to issue an arrest warrant even if there is not sufficient admissible evidence that a specific person committed the homicide. When a coroner's inquest is held, not all of the evidence considered by the inquest jury meets the standard of admissibility required to sustain an arrest or conviction. We need to make sure that there is sufficient admissible evidence for an arrest before we send law enforcement out to execute the warrant. Arrest warrant decisions should be made by a judge.

Persons Testifying:

Persons Testifying From 2011 Second Special Session.

OTHER: Tom McBride, WA Assn. Prosecuting Attorneys; James McMahan, WA Assn. of County Officials; Greg Sandstrom, Kitsap County Coroner.

Persons Testifying From 2012 Regular Session.

PRO: Senator Kline, prime sponsor; Tom McBride, WA Assn. Prosecuting Attorneys; James McMahan, WA Assn. of County Officials