

SENATE BILL REPORT

SB 6065

As Reported by Senate Committee On:
Judiciary, January 26, 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, 1/26/12 [DP].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Kline, Chair; Harper, Vice Chair; Pflug, Ranking Minority Member; Carrell, Kohl-Welles, Padden, Regala and Roach.

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.

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.

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.

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