
SENATE BILL 6065

State of Washington 62nd Legislature 2012 Regular Session

By Senators Kline, Swecker, and Padden

Read first time 01/11/12. Referred to Committee on Judiciary.

1 AN ACT Relating to county coroners; amending RCW 36.24.010,
2 36.24.020, 36.24.030, 36.24.040, 36.24.050, 36.24.070, 36.24.080,
3 36.24.100, and 36.24.150; and repealing RCW 36.24.110, 36.24.120, and
4 36.24.090.

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

6 **Sec. 1.** RCW 36.24.010 and 2009 c 549 s 4031 are each amended to
7 read as follows:

8 The coroner shall perform the duties of the sheriff in all cases
9 where the sheriff is (~~interested or otherwise~~) incapacitated from
10 serving; and whenever the coroner acts as sheriff he or she shall
11 possess the powers and perform all the duties of sheriff, and shall be
12 liable on his or her official bond in like manner as the sheriff would
13 be, and shall be entitled to the same fees as are allowed by law to the
14 sheriff for similar services: PROVIDED, That nothing herein contained
15 shall prevent the court from appointing a suitable person to discharge
16 such duties, as provided by RCW 36.28.090.

17 **Sec. 2.** RCW 36.24.020 and 2009 c 549 s 4032 are each amended to
18 read as follows:

1 Any coroner, in his or her discretion, may hold an inquest if the
2 coroner suspects that the death of a person was unnatural, or violent,
3 or resulted from unlawful means, or from suspicious circumstances, or
4 was of such a nature as to indicate the possibility of death by the
5 hand of the deceased or through the instrumentality of some other
6 person: PROVIDED, That, except under suspicious circumstances, no
7 inquest shall be held following a traffic death.

8 The coroner in the county where an inquest is to be convened
9 pursuant to this chapter shall notify the superior court to provide
10 persons to serve as a jury of inquest to hear all the evidence
11 concerning the death and to inquire into and render a true verdict on
12 the cause of death. Jurors shall be selected and summoned in the same
13 manner and shall have the same qualifications as specified in chapter
14 2.36 RCW. The prosecuting attorney having jurisdiction shall be
15 notified in advance of any such inquest to be held, and at his or her
16 discretion may be present at and assist the coroner in the conduct of
17 the ~~((same))~~ inquest. The coroner may adjourn the inquest from time to
18 time as he or she may deem necessary.

19 The costs of inquests shall be borne by the county ~~((in which))~~
20 that convened the inquest ~~((is held))~~.

21 **Sec. 3.** RCW 36.24.030 and 1987 c 202 s 202 are each amended to
22 read as follows:

23 Every person summoned as a juror who fails to appear without having
24 a reasonable excuse shall ~~((forfeit a sum not exceeding twenty dollars,
25 to be recovered by the coroner, in the name of the state, before any
26 district judge of the county. The penalty when collected shall be paid
27 over to the county treasurer for the use of the county))~~ be subject to
28 the penalties provided in RCW 2.36.170.

29 **Sec. 4.** RCW 36.24.040 and 2009 c 549 s 4033 are each amended to
30 read as follows:

31 When four or more of the jurors attend, they shall be sworn by the
32 coroner to inquire who the person was, and when, where, and by what
33 means he or she came to his or her death, and into the circumstances
34 attending his or her death, and to render a true verdict ~~((therein))~~,
35 according to the evidence afforded them, or arising from the inspection
36 of the body.

1 **Sec. 5.** RCW 36.24.050 and 1987 c 202 s 203 are each amended to
2 read as follows:

3 The coroner may issue subpoenas for witnesses returnable
4 (~~forthwith or~~) at such time and place as the coroner may appoint,
5 which may be served by any competent person. The coroner must summon
6 and examine as witnesses, on oath administered by the coroner, every
7 person, who, in his or her opinion or that of any of the jury, has any
8 knowledge of the facts. A witness served with a subpoena may be
9 compelled to attend and testify, or be punished (~~by the coroner for~~
10 ~~disobedience, in like manner as upon a subpoena issued by a district~~
11 ~~judge~~) as provided in chapter 5.56 RCW.

12 **Sec. 6.** RCW 36.24.070 and 2009 c 549 s 4034 are each amended to
13 read as follows:

14 After hearing the testimony, the jury shall render its verdict and
15 certify the same in writing signed by the jurors, and setting forth who
16 the person killed is, if known, and when, where and by what means he or
17 she came to his or her death; or if he or she was killed, or his or her
18 death was occasioned by the act of another by criminal means, who is
19 guilty (~~thereof~~), if known.

20 **Sec. 7.** RCW 36.24.080 and 2009 c 549 s 4035 are each amended to
21 read as follows:

22 In all cases where murder or manslaughter is supposed to have been
23 committed, the testimony of witnesses taken before the coroner's jury
24 shall be reduced to writing by the coroner, or under his or her
25 direction, and he or she shall (~~also recognize such witnesses to~~
26 ~~appear and testify in the superior court of the county, and shall~~
27 ~~forthwith file~~) forward the written testimony, inquisition, and
28 recognizance (~~with the clerk of such court~~), along with all other
29 evidence in his or her possession, to the prosecuting attorney.

30 **Sec. 8.** RCW 36.24.100 and 1963 c 4 s 36.24.100 are each amended to
31 read as follows:

32 If the jury finds that the person was killed and the party
33 committing the homicide is ascertained by the inquisition, but is not
34 in custody, the coroner (~~shall issue a warrant for the arrest of the~~
35 ~~person charged, returnable forthwith to the nearest magistrate~~) may

1 request the superior court of the county that convened the inquest to
2 issue a warrant for the arrest of the person indicated by the coroner's
3 inquest as having committed the homicide. The warrant must be
4 supported by sufficient admissible evidence which, when considered with
5 the most plausible, reasonably foreseeable defense that could be raised
6 under the evidence, would justify conviction by a reasonable and
7 objective fact finder.

8 **Sec. 9.** RCW 36.24.150 and 1963 c 4 s 36.24.150 are each amended to
9 read as follows:

10 If the money in the treasury is demanded within six years by the
11 legal representatives of the deceased, the treasurer shall pay it to
12 them after deducting the fees and expenses of the coroner and of the
13 county in relation to the matter, or the (~~same~~) money may be (~~so~~)
14 paid at any time thereafter, upon the order of the board of county
15 commissioners of the county.

16 NEW SECTION. **Sec. 10.** The following acts or parts of acts are
17 each repealed:

18 (1) RCW 36.24.110 (Form of warrant) and 2009 c 549 s 4037 & 1963 c
19 4 s 36.24.110;

20 (2) RCW 36.24.120 (Service of warrant) and 1963 c 4 s 36.24.120;
21 and

22 (3) RCW 36.24.090 (Procedure where accused is under arrest) and
23 2009 c 549 s 4036 & 1963 c 4 s 36.24.090.

--- END ---