
SUBSTITUTE SENATE BILL 6068

State of Washington

62nd Legislature

2012 Regular Session

By Senate Judiciary (originally sponsored by Senators Kline, Zarelli, and Frockt)

READ FIRST TIME 01/30/12.

1 AN ACT Relating to religious objection to autopsy; adding a new
2 section to chapter 36.24 RCW; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that medical examiners
5 often are called upon to balance the interests of respecting the
6 decedent's religious beliefs against the potential need for conducting
7 an autopsy. The legislature also finds that the balancing of interests
8 often is achieved through consultation, compassion, and compromise.
9 The legislature further finds, however, that in some cases these
10 competing interests cannot be balanced through agreement, resulting in
11 delay that serves no one's interests. The legislature, therefore,
12 intends to define a clear process for resolving matters of religious
13 beliefs and the conduct of autopsies in those cases where agreement is
14 not reached through consultation, compassion, and compromise.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.24 RCW
16 to read as follows:

17 (1) Whenever a medical examiner or coroner believes an autopsy is

1 appropriate, he or she shall make a reasonable effort to meet with the
2 decedent's family member or friend, in accordance with frequently
3 established practice, to attempt to reach agreement on:

4 (a) Whether an autopsy will be conducted;

5 (b) The degree of intrusiveness of the proposed autopsy; and

6 (c) Whether and to what degree the autopsy will be governed by the
7 religious beliefs or religious laws to which the decedent subscribed.

8 (2) In the absence of a compelling public necessity, no dissection
9 or autopsy shall be performed over the objection of a surviving
10 relative or friend of the deceased that the procedure is contrary to
11 the religious belief of the decedent or his or her family, or if there
12 is otherwise reason to believe that a dissection or autopsy is contrary
13 to the decedent's religious beliefs.

14 (3) For the purposes of this section:

15 (a) "Compelling public necessity" means:

16 (i) That the autopsy is essential to the conduct of the criminal
17 investigation of a homicide of which the decedent is the victim;

18 (ii) That discovery of the cause of death is necessary to meet an
19 immediate and substantial threat to the public health and that an
20 autopsy is essential to ascertain the cause of death; or

21 (iii) That the need for an autopsy is established in accordance
22 with subsection (6) of this section.

23 (b) "Friend" means any person who, prior to the decedent's death,
24 maintained such regular contact with the decedent as to be familiar
25 with his or her activities, health, and religious beliefs and who
26 presents an affidavit stating the facts and circumstances upon which
27 the claim that he or she is a friend is based, the religious
28 affiliation of the decedent, if any, that the decedent had religious
29 objections to an autopsy, the basis for such belief, and that he or she
30 will assume responsibility for the lawful disposition of the body of
31 the deceased.

32 (c) "Relative" means the person most closely related to the
33 decedent by consanguinity or affinity. In the event such person is
34 unavailable, the objection may be raised on his or her behalf by the
35 next most closely related person. The official who has authority to
36 order an autopsy of the decedent's body may require a relative to
37 present an affidavit stating his or her relationship to the decedent,
38 the religious affiliation of the decedent, if any, that the decedent

1 had religious objections to an autopsy, the basis for such belief, and
2 that he or she will assume responsibility for the lawful disposition of
3 the body of the deceased.

4 (4) All autopsies performed pursuant to this section shall be the
5 least intrusive procedure consistent with the compelling state
6 interest.

7 (5) No autopsy shall be performed over the objection of a surviving
8 friend or relative that the autopsy is contrary to the religious
9 beliefs of the deceased, or where there is otherwise reason to believe
10 that an autopsy is contrary to the decedent's religious beliefs, until
11 notice thereof is given to the friend or next of kin, or until forty-
12 eight hours have elapsed, whichever is greater, to permit an objecting
13 party to institute legal proceedings to determine the propriety of the
14 autopsy.

15 (6) Whenever any coroner or medical examiner deems it necessary to
16 perform an autopsy over the objection of a surviving friend or relative
17 that the autopsy is contrary to the religious beliefs of the deceased,
18 or where there is otherwise reason to believe that an autopsy is
19 contrary to the decedent's religious beliefs, in circumstances not
20 provided for in subsection (3)(a)(i) and (ii) of this section, he or
21 she may institute a special proceeding, without a fee, in the superior
22 court of the county in which the autopsy is to be performed, for an
23 order authorizing the autopsy. The special proceeding shall be
24 determined summarily upon the petition and such oral or written proof
25 as may be offered by the parties. The court shall require, to the
26 greatest extent possible, in the order granting relief that the autopsy
27 be performed in a manner that most complies with autopsy procedures
28 consistent with the religious tradition of the decedent. The court
29 shall grant the relief sought in the petition if it finds that the
30 coroner or medical examiner has established a demonstrable need for the
31 autopsy. Evidence that the objecting party may be a suspect in the
32 homicide may be received ex parte. The court shall consider evidence
33 as to whether the decedent held religious beliefs that would preclude
34 or limit the scope or procedures used to conduct the autopsy. If the
35 petition is denied, and no stay is granted by the court, the body shall
36 immediately be released for burial to the surviving friend or relative.

37 (7) A coroner shall not be liable for damages in a civil action for

1 any act or omission taken in compliance with the provisions of this
2 section.

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