

HOUSE BILL REPORT

HB 2773

As Reported by House Committee On:
Judiciary

Title: An act relating to repealing the warrant authority of coroners.

Brief Description: Repealing the warrant authority of coroners.

Sponsors: Representatives Klippert, Appleton, Haler, Hayes, Dent and Nealey.

Brief History:

Committee Activity:

Judiciary: 2/3/16, 2/4/16 [DP].

Brief Summary of Bill

- Repeals the warrant authority of coroners, and instead requires coroners to deliver the findings of the inquest jury and associated information to the prosecuting attorney in applicable cases.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 13 members: Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman, Haler, Hansen, Kirby, Klippert, Kuderer, Muri, Orwall and Stokesbary.

Staff: Omeara Harrington (786-7136).

Background:

Any coroner, at his or her discretion, may hold an inquest if the coroner suspects that the death of a person was unnatural, violent, resulted from unlawful means, resulted from suspicious circumstances, or was a suicide or homicide. The prosecuting attorney having jurisdiction in the county in which the inquest is held may be present and assist the coroner.

Upon calling an inquest, the coroner must notify the superior court to provide persons to serve as an inquest jury. The inquest jury is tasked with hearing evidence concerning the death and rendering a true verdict on the cause of death. The jury must additionally set forth

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the identity of the person killed, if known, when and where the death occurred, and the means of death. If the jury determines that the person was killed or that his or her death was occasioned by criminal means, the jury must also set forth the identity of the guilty person, if known.

At the conclusion of an inquisition in which it is determined that the deceased person was killed, the coroner must issue a warrant for the responsible party's arrest, if the responsible party's identity is ascertained and he or she is at large.

Summary of Bill:

The authority and requirement for a coroner to issue an arrest warrant for a person determined by an inquest jury to be responsible for a death is repealed. Following an inquest in which a person is determined to have killed another person, and is at large, the coroner must deliver the findings of the inquest jury and all documents, testimony, and records associated with the inquest to the prosecuting attorney of the county where the inquest was held.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This amends an old law that needs to be updated. This bill strikes statutory language requiring the coroner to issue an arrest warrant when an inquest jury rules that a person was killed and the responsible person is known. Instead, the coroner must deliver the findings to the prosecutor who can determine whether there is probable cause for a warrant. This is important because the prosecuting attorney is the entity that is responsible for charging the subject, so if they are not in agreement with the coroner the arrest could be superfluous. Coroners are responsible for determining cause of death and are not judicial officers. The standard used during an inquest is preponderance of the evidence, and often the evidence is hearsay because the rules of evidence do not apply. The fourth amendment states that no warrant shall issue except upon probable cause. There is no requirement to provide a specific charge in the coroner's warrant, which is a due process violation.

Coroner warrants have been problematic in the past. In one case, a coroner had no choice but to issue an arrest warrant even though the prosecutor had no intent to file criminal charges because there was insufficient admissible evidence. The situation created a lawsuit that is ongoing.

(Opposed) None.

Persons Testifying: Representative Klippert, prime sponsor; Warren McLeod and Greg Sandstrom, Washington Association of Coroners and Medical Examiners; Jonathan Meyer, Washington State Association of Counties and Prosecutors Association; and Gary Warnock, Thurston County Coroner's Office.

Persons Signed In To Testify But Not Testifying: None.