

SENATE BILL REPORT

SB 6261

As Reported by Senate Committee On:
Law & Justice, February 3, 2016

Title: An act relating to human remains.

Brief Description: Concerning human remains.

Sponsors: Senators Padden, Pedersen and Miloscia.

Brief History:

Committee Activity: Law & Justice: 1/21/16, 2/03/16 [DPS].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 6261 be substituted therefor, and the substitute bill do pass.

Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Darneille, Frockt, Pearson and Roach.

Staff: Melissa Burke-Cain (786-7755)

Background: Under current law, coroners and medical examiners have the same legal authority, duties, and responsibilities. Smaller counties generally have a coroner while large urban counties may have a medical examiner. Coroners are elected officials trained as death investigators and as administrators for their office. Medical examiners are appointed officials and are trained in forensic pathology. Any person who knows about a dead body - and its location that comes under the jurisdiction of the coroner - must notify the coroner unless the person has good reason to believe that the coroner has already been notified about the dead body. Failure to notify the coroner is a misdemeanor. Any person who moves or conceals a dead body under the coroner's jurisdiction without the coroner's authorization is guilty of a gross misdemeanor. Due to advances in the science of death investigation, a coroner's or medical examiner's jurisdiction may be warranted when human remains are found whether or not identified as a human body. Some laws have not been updated to reflect the co-equal responsibilities of coroners or more modern term "human remains" rather than "dead body."

Summary of Bill (Recommended Substitute): Anyone who knows about the existence and location of human remains including but not limited to skeletal remains under RCW 68.50.645 and RCW 27.44.055 must report to the coroner or medical examiner unless they

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have good reason to believe the coroner or medical examiner has already been notified. Failure to report is a misdemeanor. Human remains under the coroner's or medical director's jurisdiction and not claimed by a relative or friend must not be knowingly moved, disturbed, or concealed without the coroner's or medical examiner's authorization. Knowingly interfering with such human remains without authorization is a gross misdemeanor. When deciding whether to retain jurisdiction over human remains or skeletal remains as provided in RCW 68.50.645, RCW 27.44.055, or RCW 68.50.010, a coroner or medical director shall consider the deceased person's religious beliefs including tenets and rites related to death and burial.

EFFECT OF CHANGES MADE BY LAW & JUSTICE COMMITTEE (Recommended Substitute): Clarifies that the crime of moving, disturbing, or otherwise interfering with human remains does not apply to human remains claimed by a relative or friend; adds a requirement that the moving, disturbing, or otherwise interfering with human remains must be done knowingly; directs the coroner or medical examiner to consider the deceased religious beliefs including customs and rites related to death and burial when deciding whether it is necessary to retain jurisdiction over human remains; clarifies that human remains include skeletal remains; and adds a reference to RCW 27.44.055 regarding skeletal remains.

Appropriation: None.

Fiscal Note: Not requested

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which the bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: Depending on its population, a county may have an elected coroner, a prosecutor/coroner, or a medical examiner. The language is changed to human remains because with current forensic pathology even just a part of a body can yield useful information. It is especially important in DNA testing to identify the deceased. The National Center for Missing and Exploited Children has many families who are trying to find out what may have happened to their family member so the family may have closure. The reason the notice to the coroner is important, and has potential criminal liability for failure to notify, is to prevent persons from holding on to human remains or displaying them when an immediate call to the coroner may help families identify victims, or find a cause of death. Even if a bone is aged, considered historic and of no forensic value, identification is still possible. The bones or other human remains are those of a human being who may have a family looking for them. Important forensic evidence can be lost if someone tampers with or hides human remains. The criminal penalties are not directed to someone who may inadvertently find human remains, it is directed to those who tamper with or hide human remains on purpose, for example to destroy or conceal evidence of a crime.

Persons Testifying on Original Bill: PRO: Gary Warnock, Thurston County Coroner, Greg Sandstrom, Kitsap County Coroner, Warren McLeod, Lewis County Coroner.

Persons Signed In To Testify But Not Testifying on Original Bill: No one.