

SENATE BILL REPORT

SB 6262

As Passed Senate, February 12, 2016

Title: An act relating to a coroner's warrant authority.

Brief Description: Concerning a coroner's warrant authority.

Sponsors: Senators O'Ban, Pedersen and Padden.

Brief History:

Committee Activity: Law & Justice: 1/21/16, 2/01/16 [DP].

Passed Senate: 2/12/16, 46-0.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

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

Staff: Tim Ford (786-7423)

Background: A coroner has discretion to hold an inquest upon suspicion that a person's death was unnatural, violent, unlawful, suspicious, or at the hand of another person. An inquest is a formal proceeding where a jury is convened to hear all evidence regarding the person's death and to render a true verdict of the cause of death. The coroner may employ a physician to examine the body and give testimony to the jury. The coroner may issue subpoenas to witnesses to compel testimony. The coroner may be assisted by the prosecuting attorney. The jury's verdict shall certify the identity of the person killed, if possible, the cause and circumstances, and the identity of any person guilty, if known. The testimony and evidence is filed with the clerk of the court. If the person alleged to have killed another is not in custody the coroner shall issue a warrant for the arrest of the person charged. The warrant is served on the sheriff of the county who shall proceed as if it is a warrant of arrest.

Summary of Bill: The coroner may not issue a warrant, but must deliver all findings of the inquest jury, all evidence from the inquest, and all records generated by the inquest to the prosecuting attorney.

Appropriation: None.

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.

Fiscal Note: Available.

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: The current law states that the coroner shall issue a warrant for the arrest of a person where an inquest jury finds that person guilty of killing another. These are old statutes created when there were not judges in every county but circuit judges who were not always available because they traveled from county to county. Today there are judges in every county. Judges issue warrants. A coroner isn't a judge but also has authority to issue warrants. A coroner's warrant may not list the charges for an arrest. An inquest isn't limited by the rules of evidence. After a coroner issues a warrant, if the prosecutor decides not to file charges, then the coroner's warrant would need to be quashed in a court, and that costs time and money. There is no need for a coroner to issue a warrant. The evidence and records may be transferred to the prosecutor's office for a determination of whether to file charges and seek a warrant from a judge.

Persons Testifying: PRO: Tom McBride, WA Assoc. of Prosecuting Attorneys; Warren McLeod, Lewis County Coroner.

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