

SENATE BILL REPORT

SB 6295

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

Title: An act relating to clarifying the venue in which coroner's inquests are to be convened and payment of related costs.

Brief Description: Clarifying the venue in which coroner's inquests are to be convened and payment of related costs.

Sponsors: Senators Hasegawa and McCoy.

Brief History:

Committee Activity: Law & Justice: 2/01/16, 2/03/16 [DPS].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 6295 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 may convene an inquest hearing when the coroner suspects a death occurs through unlawful, violent, or suspicious circumstances. The superior courts provide persons from the jury pool to serve on the inquest jury. The inquest jury renders a verdict on the likely causes and circumstances of a death, but the verdict does not assign culpability for a death. Coroner's inquests happen infrequently and some jurisdictions may not have processes for scheduling an inquest location and payment of associated costs.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (Recommended Substitute): A coroner holding an inquest requests a courtroom, personnel, and persons to serve on the inquest jury from the superior court. The inquest date is set by mutual agreement between the coroner and the superior court. The inquest date must be no later than eighteen months after the coroner's request. If no superior court facility is available, the superior court may designate a comparable location in the

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county. If no location in the county is available, the superior court must certify unavailability. The inquest must be transferred to another county within 100 miles. The county transferring the inquest will pay the costs to the county receiving the transfer.

EFFECT OF CHANGES MADE BY LAW & JUSTICE COMMITTEE (Recommended Substitute): Provides a timeline for arranging county superior court facilities and personnel for a coroner's inquest. Requires the superior court to provide a court room for the inquest or to certify that no court room is available. If no court room in the county is available, the inquest is transferred to a nearby county. Extends the time for the inquest to take place from 12 months to 18 months.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on First Substitute: PRO: This is a good government bill that applies when a coroner's inquest is going to occur and superior court resources are needed. This bill came about because of an officer-involved shooting last February in Pasco. A cell phone video was supplied and after reviewing it the coroner announced that an inquest would be held so the public could see the information about the shooting investigation in a transparent way. The prosecuting attorney's decision was that there would be no charges filed and that an inquest was not needed. After asking for a court room, security personnel, and a jury be made available, and being told no court room was available, the coroner rented a facility outside of the courthouse, hired security for a probably two week hearing. The estimated additional cost to procure an outside facility and security was approximately \$10,000. It is important for the public to hear how the special investigation was conducted and let the inquest jury render a decision. Current Law requires the superior court to provide a jury. Inquests take place in a public setting. It is a formal fact finding process best suited to a court room because many the same processes are followed at an inquest that occur at a trial. A record must be preserved, witnesses are called to testify and must deliberate without interference. The best location for that is the court room. Security and order must be maintained at the inquests and the level of decorum in a courtroom is the most appropriate setting. Using a different location like a school gymnasium or similar location takes away from the respect that is due the process of a coroner's inquest. Transparency is important to the community.

Persons Testifying on First Substitute: PRO: Senator Hasegawa, prime sponsor, Warren McLeod, Lewis County Coroner, Dan Blasdel, Franklin County Coroner, Gary Warnock, Thurston County Coroner.

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