
SUBSTITUTE SENATE BILL 5769

State of Washington 65th Legislature 2017 Regular Session

By Senate Law & Justice (originally sponsored by Senator Padden)

READ FIRST TIME 02/17/17.

1 AN ACT Relating to coroner inquest procedures; amending RCW
2 36.24.020; and adding a new section to chapter 36.24 RCW.

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

4 **Sec. 1.** RCW 36.24.020 and 2016 c 13 s 1 are each amended to read
5 as follows:

6 Any coroner, in his or her discretion, may hold an inquest if the
7 coroner suspects that the death of a person was unnatural, or
8 violent, or resulted from unlawful means, or from suspicious
9 circumstances, or was of such a nature as to indicate the possibility
10 of death by the hand of the deceased or through the instrumentality
11 of some other person: PROVIDED, That, except under suspicious
12 circumstances, no inquest shall be held following a traffic death. If
13 a medical examiner unreasonably refuses as a matter of policy to
14 conduct an inquest in any case, the county legislative authority, by
15 a majority vote, may call for an inquest to be conducted.

16 Special consideration should be taken in conducting an inquest
17 when a death results from interaction with law enforcement, and when
18 a death occurs during incarceration and is by unnatural means. In
19 those instances where the deceased is a member of a federally
20 recognized Indian tribe in Washington state, the coroner must notify

1 the tribe and include them in the inquest process to the extent
2 possible.

3 The coroner in the county where an inquest is to be convened
4 pursuant to this chapter shall notify the superior court to provide
5 persons to serve as a jury of inquest to hear all the evidence
6 concerning the death and to inquire into and render a true verdict on
7 the cause of death. Jurors shall be selected and summoned in the same
8 manner and shall have the same qualifications as specified in chapter
9 2.36 RCW.

10 At the coroner's request, the superior court shall schedule a
11 courtroom in which the inquest may be convened, a bailiff, reporter,
12 and any security deemed reasonably necessary by the coroner. The
13 coroner and the superior court shall set an inquest date by mutual
14 agreement. The inquest shall take place within (~~eighteen months~~)
15 ninety days of the coroner's request to the court. If the superior
16 court cannot accommodate the inquest for good cause shown, the court
17 may designate a comparable public venue for the inquest in the
18 county.

19 If the superior court is unable to provide a courtroom or
20 comparable public venue, it shall certify courtroom unavailability in
21 writing within (~~sixty~~) fifteen days of the coroner's request and
22 the inquest shall be scheduled and transferred to another county
23 within one hundred miles of the requesting county.

24 The prosecuting attorney having jurisdiction shall be notified in
25 advance of any such inquest to be held, and (~~at his or her~~
26 ~~discretion may~~) must be present at and assist the coroner in the
27 conduct of the same. The coroner may adjourn the inquest from time to
28 time as he or she may deem necessary.

29 The costs of inquests, including any costs incurred by the
30 superior court, shall be borne by the county in which the inquest is
31 requested. Counties shall establish funding reserves to fund inquest
32 expenditures. When an inquest is transferred to another county due to
33 unavailability of a courtroom, the county from which such inquest is
34 transferred shall pay the county in which the inquest is held all
35 costs accrued for per diem and mileage for jurors and witnesses and
36 all other costs properly charged to the transferring county.

37 NEW SECTION. Sec. 2. A new section is added to chapter 36.24
38 RCW to read as follows:

1 A juror may submit written questions for a witness, summoned by
2 the coroner under RCW 36.24.050, to the coroner or prosecuting
3 attorney. At the discretion of the coroner, the witness may be
4 compelled to respond to the questions.

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