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SENATE BILL 5769

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State of Washington

65th Legislature

2017 Regular Session

By Senator Padden

Read first time 02/09/17. Referred to Committee on Law & Justice.

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 coroner unreasonably refuses as a matter of policy to conduct an  
14 inquest in any case, the county legislative authority, by a majority  
15 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.  
19 Inquests involving law enforcement or in custody death must be  
20 conducted within ninety days of completion of the coroner's  
21 investigation. In those instances where the deceased is a member of a

1 federally recognized Indian tribe in Washington state, the coroner  
2 must notify the tribe and include them in the inquest process to the  
3 extent possible.

4 The coroner in the county where an inquest is to be convened  
5 pursuant to this chapter shall notify the superior court to provide  
6 persons to serve as a jury of inquest to hear all the evidence  
7 concerning the death and to inquire into and render a true verdict on  
8 the cause of death. Jurors shall be selected and summoned in the same  
9 manner and shall have the same qualifications as specified in chapter  
10 2.36 RCW.

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

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

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

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

38 NEW SECTION. Sec. 2. A new section is added to chapter 36.24  
39 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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