

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1326

67th Legislature
2021 Regular Session

Passed by the House April 13, 2021
Yeas 88 Nays 10

**Speaker of the House of
Representatives**

Passed by the Senate April 3, 2021
Yeas 46 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1326** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1326

AS AMENDED BY THE SENATE

Passed Legislature - 2021 Regular Session

State of Washington **67th Legislature** **2021 Regular Session**

By House Local Government (originally sponsored by Representatives Lekanoff, Goodman, Ramel, Orwall, Klippert, Bateman, Lovick, and Pollet)

READ FIRST TIME 02/09/21.

1 AN ACT Relating to coroners and medical examiners; amending RCW
2 36.16.030, 36.16.030, 36.17.020, 68.50.010, and 68.50.104; adding new
3 sections to chapter 36.24 RCW; adding a new section to chapter 43.101
4 RCW; providing an effective date; and providing an expiration date.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 36.24
7 RCW to read as follows:

8 Within 12 months of being elected or appointed to the office, a
9 coroner or medical examiner must have a certificate of completion of
10 medicolegal forensic investigation training that complies with the
11 standards adopted for the medicolegal training academy adopted by the
12 criminal justice training commission in conjunction with the
13 Washington association of coroners and medical examiners and a
14 practicing physician selected by the commission pursuant to section 3
15 of this act. This requirement does not apply to an elected prosecutor
16 acting as the ex officio coroner in a county. All medicolegal
17 investigative personnel employed by any coroner's or medical
18 examiner's office must complete medicolegal forensic investigation
19 training as required under section 3 of this act. A county in which
20 the coroner or county medical examiner has not obtained such
21 certification within 12 months of assuming office may have its

1 reimbursement from the death investigations account reduced as
2 provided under RCW 68.50.104.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.24
4 RCW to read as follows:

5 Except those run by a county prosecutor, all county coroner's
6 offices and medical examiner's offices must be accredited by either
7 the international association of coroners and medical examiners or
8 the national association of medical examiners no later than July 1,
9 2025, and maintain continued accreditation thereafter. A county that
10 contracts for its coroner or medical examiner services with an
11 accredited coroner or medical examiner's office in another county
12 does not need to maintain accreditation.

13 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.101
14 RCW to read as follows:

15 (1) (a) All elected coroners, appointed coroners, persons serving
16 as coroners, medical examiners, and all other full-time medicolegal
17 investigative personnel employed by a county coroner's or medical
18 examiner's office must successfully complete medicolegal forensic
19 investigation training through the medicolegal training academy
20 program within 12 months of being elected, appointed, or employed
21 unless otherwise exempted by the commission. This section does not
22 apply to elected prosecutors who are coroners in their counties.

23 (b) All part-time medicolegal investigative personnel employed by
24 a county coroner's or medical examiner's office must successfully
25 complete medicolegal forensic investigation training through the
26 medicolegal training academy program within 18 months of being
27 employed unless otherwise exempted by the commission.

28 (2) The commission, in conjunction with the Washington
29 association of coroners and medical examiners and a practicing
30 physician selected by the commission, shall develop the medicolegal
31 forensic investigation training curriculum and adopt the standards
32 for the medicolegal training academy and any exemption from the
33 requirement to complete the medicolegal forensic investigation
34 training. The commission shall exempt from this requirement any
35 coroner, medical examiner, or medicolegal investigative personnel who
36 has obtained training comparable to the medicolegal forensic
37 investigation training by virtue of educational or professional
38 training or experience.

1 (3) The commission must certify successful completion of the
2 medicolegal forensic investigation training or exemption from the
3 medicolegal training requirement within 60 days from the receipt of
4 proof of completion or request for exemption.

5 (4) The medicolegal forensic investigation training required
6 under this section must:

7 (a) Meet the recommendations of the national commission on
8 forensic science for certification and accreditation; and

9 (b) Satisfy the requirements for training on the subject of
10 sudden, unexplained child death including, but not limited to, sudden
11 infant death syndrome developed pursuant to RCW 43.103.100 and
12 missing persons protocols pursuant to RCW 43.103.110.

13 (5) Certification under this section is a condition of continued
14 employment in a coroner's or medical examiner's office.

15 (6) A county in which a coroner, person serving as coroner,
16 medical examiner, or other medicolegal investigative employee, who
17 has not otherwise been exempted by the commission, is not certified
18 within 12 months of being elected, appointed, or employed as required
19 by this section, may have its reimbursement from the death
20 investigations account reduced as provided under RCW 68.50.104 until
21 the office is in compliance with all requirements under this section.

22 **Sec. 4.** RCW 36.16.030 and 2015 c 53 s 61 are each amended to
23 read as follows:

24 Except as provided elsewhere in this section, in every county
25 there shall be elected from among the qualified voters of the county
26 a county assessor, a county auditor, a county clerk, a county
27 coroner, three county commissioners, a county prosecuting attorney, a
28 county sheriff, and a county treasurer, except that in each county
29 with a population of less than forty thousand the county legislative
30 authority may determine that no coroner shall be elected and (~~the~~
31 ~~prosecuting attorney shall be ex officio coroner. Whenever the~~
32 ~~population of a county increases to forty thousand or more, the~~
33 ~~prosecuting attorney shall continue as ex officio coroner until a~~
34 ~~coroner is elected, at the next general election at which the office~~
35 ~~of prosecuting attorney normally would be elected, and assumes office~~
36 ~~as provided in RCW 29A.60.280. In any county where the population has~~
37 ~~once attained forty thousand people and a current coroner is in~~
38 ~~office and a subsequent census indicates less than forty thousand~~
39 ~~people, the county legislative authority may maintain the office of~~

1 ~~coroner by resolution or ordinance. If the county legislative~~
2 ~~authority has not passed a resolution or enacted an ordinance to~~
3 ~~maintain the office of coroner, the elected coroner shall remain in~~
4 ~~office for the remainder of the term for which he or she was elected,~~
5 ~~but no coroner shall be elected at the next election at which that~~
6 ~~office would otherwise be filled and the prosecuting attorney shall~~
7 ~~be the ex officio coroner)) instead appoint a coroner. In a county~~
8 with a population of two hundred fifty thousand or more, the county
9 legislative authority may replace the office of coroner with a
10 medical examiner system and appoint a medical examiner as specified
11 in RCW 36.24.190. Any county may enter into an interlocal agreement
12 under chapter 39.34 RCW with an adjoining county for the provision of
13 coroner or medical examiner services. A noncharter county may have
14 five county commissioners as provided in RCW 36.32.010 and 36.32.055
15 through 36.32.0558.

16 **Sec. 5.** RCW 36.16.030 and 2015 c 53 s 61 are each amended to
17 read as follows:

18 Except as provided elsewhere in this section, in every county
19 there shall be elected from among the qualified voters of the county
20 a county assessor, a county auditor, a county clerk, a county
21 coroner, three county commissioners, a county prosecuting attorney, a
22 county sheriff, and a county treasurer, except that in each county
23 with a population of less than forty thousand no coroner shall be
24 elected and the prosecuting attorney shall be ex officio coroner.
25 Whenever the population of a county increases to forty thousand or
26 more, the prosecuting attorney shall continue as ex officio coroner
27 until a coroner is elected, at the next general election at which the
28 office of prosecuting attorney normally would be elected, and assumes
29 office as provided in RCW 29A.60.280. In any county where the
30 population has once attained forty thousand people and a current
31 coroner is in office and a subsequent census indicates less than
32 forty thousand people, the county legislative authority may maintain
33 the office of coroner by resolution or ordinance. If the county
34 legislative authority has not passed a resolution or enacted an
35 ordinance to maintain the office of coroner, the elected coroner
36 shall remain in office for the remainder of the term for which he or
37 she was elected, but no coroner shall be elected at the next election
38 at which that office would otherwise be filled and the prosecuting
39 attorney shall be the ex officio coroner. In a county with a

1 population of two hundred fifty thousand or more, the county
2 legislative authority may replace the office of coroner with a
3 medical examiner system and appoint a medical examiner as specified
4 in RCW 36.24.190. Any county may enter into an interlocal agreement
5 under chapter 39.34 RCW with an adjoining county for the provision of
6 coroner or medical examiner services. A noncharter county may have
7 five county commissioners as provided in RCW 36.32.010 and 36.32.055
8 through 36.32.0558.

9 **Sec. 6.** RCW 36.17.020 and 2008 c 309 s 2 are each amended to
10 read as follows:

11 The county legislative authority of each county or a county
12 commissioner or councilmember salary commission which conforms with
13 RCW 36.17.024 is authorized to establish the salaries of the elected
14 officials of the county. The state and county shall contribute to the
15 costs of the salary of the elected prosecuting attorney as set forth
16 in subsection (11) of this section. The annual salary of a county
17 elected official shall not be less than the following:

18 (1) In each county with a population of one million or more:
19 Auditor, clerk, treasurer, sheriff, members of the county legislative
20 authority, and coroner, eighteen thousand dollars; and assessor,
21 nineteen thousand dollars;

22 (2) In each county with a population of from two hundred ten
23 thousand to less than one million: Auditor, seventeen thousand six
24 hundred dollars; clerk, seventeen thousand six hundred dollars;
25 treasurer, seventeen thousand six hundred dollars; sheriff, nineteen
26 thousand five hundred dollars; assessor, seventeen thousand six
27 hundred dollars; members of the county legislative authority,
28 nineteen thousand five hundred dollars; and coroner, seventeen
29 thousand six hundred dollars;

30 (3) In each county with a population of from one hundred twenty-
31 five thousand to less than two hundred ten thousand: Auditor, sixteen
32 thousand dollars; clerk, sixteen thousand dollars; treasurer, sixteen
33 thousand dollars; sheriff, seventeen thousand six hundred dollars;
34 assessor, sixteen thousand dollars; members of the county legislative
35 authority, seventeen thousand six hundred dollars; and coroner,
36 sixteen thousand dollars;

37 (4) In each county with a population of from seventy thousand to
38 less than one hundred twenty-five thousand: Auditor, fourteen
39 thousand nine hundred dollars; clerk, fourteen thousand nine hundred

1 dollars; treasurer, fourteen thousand nine hundred dollars; assessor,
2 fourteen thousand nine hundred dollars; sheriff, fourteen thousand
3 nine hundred dollars; members of the county legislative authority,
4 fourteen thousand nine hundred dollars; and coroner, fourteen
5 thousand nine hundred dollars;

6 (5) In each county with a population of from forty thousand to
7 less than seventy thousand: Auditor, thirteen thousand eight hundred
8 dollars; clerk, thirteen thousand eight hundred dollars; treasurer,
9 thirteen thousand eight hundred dollars; assessor, thirteen thousand
10 eight hundred dollars; sheriff, thirteen thousand eight hundred
11 dollars; members of the county legislative authority, thirteen
12 thousand eight hundred dollars; and coroner, thirteen thousand eight
13 hundred dollars;

14 (6) In each county with a population of from eighteen thousand to
15 less than forty thousand: Auditor, twelve thousand one hundred
16 dollars; clerk, twelve thousand one hundred dollars; treasurer,
17 twelve thousand one hundred dollars; sheriff, twelve thousand one
18 hundred dollars; assessor, twelve thousand one hundred dollars;
19 (~~and~~) members of the county legislative authority, eleven thousand
20 dollars; and coroner, \$11,000 or on a per case basis as determined by
21 the county legislative authority;

22 (7) In each county with a population of from twelve thousand to
23 less than eighteen thousand: Auditor, ten thousand one hundred
24 dollars; clerk, ten thousand one hundred dollars; treasurer, ten
25 thousand one hundred dollars; assessor, ten thousand one hundred
26 dollars; sheriff, eleven thousand two hundred dollars; (~~and~~)
27 members of the county legislative authority, nine thousand four
28 hundred dollars; and coroner, \$9,400 or on a per case basis as
29 determined by the county legislative authority;

30 (8) In each county with a population of from eight thousand to
31 less than twelve thousand: Auditor, ten thousand one hundred dollars;
32 clerk, ten thousand one hundred dollars; treasurer, ten thousand one
33 hundred dollars; assessor, ten thousand one hundred dollars; sheriff,
34 eleven thousand two hundred dollars; (~~and~~) members of the county
35 legislative authority, seven thousand dollars; and coroner, \$7,000 or
36 on a per case basis as determined by the county legislative
37 authority;

38 (9) In each county with a population of from five thousand to
39 less than eight thousand: Auditor, nine thousand one hundred dollars;
40 clerk, nine thousand one hundred dollars; treasurer, nine thousand

1 one hundred dollars; assessor, nine thousand one hundred dollars;
2 sheriff, ten thousand five hundred dollars; (~~and~~) members of the
3 county legislative authority, six thousand five hundred dollars; and
4 coroner, \$6,500 or on a per case basis as determined by the county
5 legislative authority;

6 (10) In each other county: Auditor, nine thousand one hundred
7 dollars; clerk, nine thousand one hundred dollars; treasurer, nine
8 thousand one hundred dollars; sheriff, ten thousand five hundred
9 dollars; assessor, nine thousand one hundred dollars; (~~and~~) members
10 of the county legislative authority, six thousand five hundred
11 dollars; and coroner, \$6,500 or on a per case basis as determined by
12 the county legislative authority;

13 (11) The state of Washington shall contribute an amount equal to
14 one-half the salary of a superior court judge towards the salary of
15 the elected prosecuting attorney. Upon receipt of the state
16 contribution, a county shall continue to contribute towards the
17 salary of the elected prosecuting attorney in an amount that equals
18 or exceeds that contributed by the county in 2008.

19 **Sec. 7.** RCW 68.50.010 and 1963 c 178 s 1 are each amended to
20 read as follows:

21 The jurisdiction of bodies of all deceased persons who come to
22 their death suddenly when in apparent good health without medical
23 attendance within the thirty-six hours preceding death; or where the
24 circumstances of death indicate death was caused by unnatural or
25 unlawful means; or where death occurs under suspicious circumstances;
26 or where a coroner's autopsy or postmortem or coroner's inquest is to
27 be held; or where death results from unknown or obscure causes, or
28 where death occurs within one year following an accident; or where
29 the death is caused by any violence whatsoever, or where death
30 results from a known or suspected abortion; whether self-induced or
31 otherwise; where death apparently results from drowning, hanging,
32 burns, electrocution, gunshot wounds, stabs or cuts, lightning,
33 starvation, radiation, exposure, alcoholism, narcotics or other
34 addictions, tetanus, strangulations, suffocation or smothering; or
35 where death is due to premature birth or still birth; or where death
36 is due to a violent contagious disease or suspected contagious
37 disease which may be a public health hazard; or where death results
38 from alleged rape, carnal knowledge or sodomy, where death occurs in
39 a jail or prison; where a body is found dead or is not claimed by

1 relatives or friends, is hereby vested in the county coroner or
2 medical examiner, which bodies may be removed and placed in the
3 morgue under such rules as are adopted by the coroner or medical
4 examiner with the approval of the county commissioners, having
5 jurisdiction, providing therein how the bodies shall be brought to
6 and cared for at the morgue and held for the proper identification
7 where necessary.

8 **Sec. 8.** RCW 68.50.104 and 2019 c 317 s 4 are each amended to
9 read as follows:

10 (1) The cost of autopsy shall be borne by the county in which the
11 autopsy is performed, except when requested by the department of
12 labor and industries, in which case, the department shall bear the
13 cost of such autopsy.

14 (2)(a) Except as provided in (b) of this subsection, when the
15 county bears the cost of an autopsy, it shall be reimbursed from the
16 death investigations account, established by RCW 43.79.445, as
17 follows:

18 (i) Up to forty percent of the cost of contracting for the
19 services of a pathologist to perform an autopsy;

20 (ii) Up to (~~twenty-five~~) 30 percent of the salary of
21 pathologists who are primarily engaged in performing autopsies and
22 are (A) county coroners or county medical examiners, or (B) employees
23 of a county coroner or county medical examiner; and

24 (iii) One hundred percent of the cost of autopsies conducted
25 under RCW 70.54.450.

26 (b) When the county bears the cost of an autopsy of a child under
27 the age of three whose death was sudden and unexplained, the county
28 shall be reimbursed for the expenses of the autopsy when the death
29 scene investigation and the autopsy have been conducted under RCW
30 43.103.100 (4) and (5), and the autopsy has been done at a facility
31 designed for the performance of autopsies.

32 (3) Payments from the account shall be made pursuant to biennial
33 appropriation: PROVIDED, That no county may reduce funds appropriated
34 for this purpose below 1983 budgeted levels.

35 (4) Where the county coroner's office or county medical
36 examiner's office is not accredited pursuant to section 2 of this
37 act, or a coroner, medical examiner, or other medicolegal
38 investigative employee is not certified as required by sections 1 and
39 3 of this act, the state treasurer's office shall withhold 25 percent

1 of autopsy reimbursement funds until accreditation under section 2 of
2 this act or compliance with sections 1 and 3 of this act is achieved.

3 NEW SECTION. **Sec. 9.** Sections 4 and 6 of this act take effect
4 January 1, 2025.

5 NEW SECTION. **Sec. 10.** Section 5 of this act expires January 1,
6 2025.

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