

SENATE BILL REPORT

SB 5093

As Passed Senate, February 5, 2025

Title: An act relating to dignity in pregnancy loss.

Brief Description: Concerning dignity in pregnancy loss.

Sponsors: Senators Dhingra, Wellman, Cleveland, Bateman, Pedersen, Wilson, C., Hasegawa, Lias, Nobles, Salomon, Slatter, Stanford and Valdez.

Brief History:

Committee Activity: Law & Justice: 1/20/25, 1/23/25 [DPS, DNP].

Floor Activity: Passed Senate: 2/5/25, 30-19.

Brief Summary of Bill

- Removes the jurisdiction of county coroners and medical examiners over certain bodies whose death resulted from known or suspected abortion, premature births, or stillbirths.
- Requires correctional institutions and private detention facilities to report on the aggregate number of confined and incarcerated people who experience miscarriage, stillbirth, or perinatal loss.
- Repeals the crime of concealing birth.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5093 be substituted therefor, and the substitute bill do pass.

Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Lovick, Salomon and Valdez.

Minority Report: Do not pass.

Signed by Senators Holy, Ranking Member; Fortunato, Torres and Wagoner.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Staff: Ryan Giannini (786-7285)

Background: County Coroner's Jurisdiction Over Remains. Coroners investigate found human remains and have rights and duties regarding personal identification of remains, dissemination of information to the public, requesting autopsies, and determining whether remains are of a forensic nature. If the coroner suspects the death of a person was unnatural, violent, resulted from unlawful means, resulted from suspicious circumstances, or was a suicide or homicide, the county coroner may authorize an inquest to render a verdict on the cause of death.

The bodies of individuals who die suddenly, under unnatural or unlawful circumstances, from violence, or among other specified causes, are under the jurisdiction of the county coroner or medical examiner.

Correctional Institutions. Correctional institutions is any place designated by law for the keeping of persons held in custody under process of law, or under lawful arrest, including state prisons, county and local jails, juvenile detention centers, and other facilities operated by the Department of Corrections, Department of Children, Youth, and Families, or local governmental units primarily for the purposes of punishment, correction, or rehabilitation following conviction or adjudication of a criminal offense.

Private Detention Facilities. A private detention facility is a detention facility operated by a private, nongovernmental for-profit entity and operating pursuant to a contract or agreement with a federal, state, or local government entity.

Concealing Birth. A person commits the crime of concealing birth if the person conceals the birth of a child through the disposition of its dead body, whether the child died before or after its birth. The crime of concealing birth is a gross misdemeanor, punishable by imprisonment in jail for up to 364 days, a fine of not more than \$5,000, or both.

Summary of Bill: County Coroner's Jurisdiction Over Remains. The jurisdiction of county coroners and medical examiners over bodies of deceased persons whose death resulted from known or suspected abortions, or due to premature births or still births, is removed.

Correctional Institutions and Private Detention Facilities. All correctional institutions and private detention facilities must annually report to the Department of Health on the aggregate number of people who experience miscarriage, stillbirth, or perinatal loss while confined or incarcerated in such facilities. The Department of Health must report such information to the Legislature on an annual basis. The personal identifying information of individuals who experience miscarriage, stillbirth, or perinatal loss may not be included in such annual reports.

Concealing Birth. The crime of concealing birth is repealed.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: Washington state law prohibits criminalizing pregnancy outcomes. This bill eliminates out-of-date provisions that criminalizes pregnancy loss by repealing the crime of concealing birth. There is no indication that this law has been used since 1909. Other states have used similar outdated laws to punish people for pregnancy outcomes. This bill also removes the jurisdiction of the county coroners and medical examiners from known or suspected abortions, but they still have a duty to investigate loss caused by violence. Pregnancy loss is associated with grief and anxiety, and criminal investigations only add to such trauma and hardships. Women who experienced such trauma deserve dignity, privacy, and respect, and they should not have to worry about being criminalized for such loss. This bill would enable better tracking of pregnancies in the prison system, as it is crucial that incarcerated individuals receive the same pregnancy care as others.

CON: This bill would prohibit a coroner from investigating abortions and stillbirths in any circumstances. A county coroner could not investigate if there was an abortion at viability or if a person beats up a pregnant wife. A person who disposes of dead bodies is trying to hide a crime. Allowing disposition of dead bodies could thwart investigations into the circumstances of a crime. The state has a profound interest in protecting children. There is nothing pro-woman about these changes.

Persons Testifying: PRO: Senator Manka Dhingra, Prime Sponsor; Dr. Elizabeth Loft; Lori Hayes; Dr. Luis Manriquez; Yvette Maganya, Lobbyist and Community Relations Liaison, Legal Voice; Sara Ainsworth, Chief Legal & Policy Director, If/When/How: Lawyering for Reproductive Justice; Gabriella Nazari, Government Relations Director, Pro-Choice Washington.

CON: Theresa Schrempp; Rachel Lamkin.

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