

SENATE BILL REPORT

SB 5093

As of January 20, 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.

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 detention facilities and private detention facilities to report on the number of confined and incarcerated people who experience miscarriage, stillbirth, or perinatal loss.
- Repeals the crime of concealing birth.

SENATE COMMITTEE ON LAW & JUSTICE

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

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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.

Detention Facilities and Private Detention Facilities. A detention facility is any facility where persons are incarcerated or otherwise involuntarily confined for purposes including pretrial or sentencing, fulfilling a court sentence, or for other judicial or administrative proceedings.

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.

Detention Facilities and Private Detention Facilities. All public and private detention facilities must annually report to the Department of Health on the 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: Requested on January 9, 2025.

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: 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.