

FINAL BILL REPORT

SB 5300

C 237 L19

Synopsis as Enacted

Brief Description: Providing coroners with additional subpoena duces tecum authority.

Sponsors: Senators Padden, Liias, Pedersen and Van De Wege.

Senate Committee on Law & Justice

House Committee on Civil Rights & Judiciary

Background: Coroners and medical examiners have the same legal authority, duties, and responsibilities. Coroners take jurisdiction over human remains and conduct death scene investigations if the cause and manner of death appears suspicious or is unknown. In larger counties, the legislative authority appoints a medical examiner who has forensic pathology training. Smaller counties elect their coroner. Coroners administer the county coroner's office and arrange for forensic pathology services when needed.

Laboratory tests, autopsy results, and other information about the deceased assist the coroner's determination of the cause and manner of death. Coroners may hold an inquest if the coroner suspects a person's death was unnatural, violent, or resulted from unlawful means. The purpose of an inquest is to determine the cause of death, but not who may have caused the death. Current state law authorizes coroners to obtain the deceased person's medical records. Coroners may issue subpoenas for witnesses to testify and provide documentary evidence at an inquest. An inquest jury hears evidence and renders a verdict on the cause of death.

Civil Rule 45 (CR 45) is a court rule governing subpoenas. Subpoenas are procedural court orders. A subpoena for records requires a person to provide documentary evidence to the requester. A witness subpoena requires a person to appear and give sworn testimony at a particular place and time. CR 45 explains the court's authority to require a person to comply with the subpoena, sets notice requirements, and explains the duty to obey the court's order.

Summary: Coroners may ask the superior court to issue a subpoena to produce records during an on-going or active death investigation. The subpoena must comply with the superior court's CR 45 requirements. The subpoena requires a person to produce documents, records, and tangible things for inspection and copying at a specific time and place. The court may issue a combined subpoena to produce records and to appear as a witness for testimony.

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

Votes on Final Passage:

Senate	45	0	
House	96	0	(House amended)
Senate	47	0	(Senate concurred)

Effective: July 28, 2019