
SENATE BILL 5082

State of Washington

54th Legislature

1995 Regular Session

By Senators Haugen, Owen and Loveland

Read first time 01/10/95. Referred to Committee on Law & Justice.

1 AN ACT Relating to death investigations systems; amending RCW
2 43.43.680, 46.61.5054, 43.103.030, 43.103.090, 66.08.180, 68.50.107,
3 and 70.58.107; and repealing 1994 c 275 s 44 (uncodified).

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

5 **Sec. 1.** RCW 43.43.680 and 1994 c 271 s 501 are each amended to
6 read as follows:

7 (1) In all prosecutions involving the analysis of a controlled
8 substance or a sample of a controlled substance by the crime laboratory
9 system of the state patrol, a certified copy of the analytical report
10 signed by the supervisor of the state patrol's crime laboratory or the
11 forensic scientist conducting the analysis is prima facie evidence of
12 the results of the analytical findings.

13 (2) The defendant or a prosecutor may subpoena the forensic
14 scientist who conducted the analysis of the substance to testify at the
15 preliminary hearing and trial of the issue at no cost to the defendant,
16 if the subpoena is issued at least ten days prior to the trial date.

17 (3) In all prosecutions involving the analysis of a certified
18 simulator solution by the Washington state toxicology laboratory (~~of~~
19 ~~the University of Washington~~)), a certified copy of the analytical

1 report signed by the state toxicologist or the toxicologist conducting
2 the analysis is prima facie evidence of the results of the analytical
3 findings, and of certification of the simulator solution used in the
4 BAC verifier datamaster or any other alcohol/breath-testing equipment
5 subsequently adopted by rule.

6 (4) The defendant of a prosecution may subpoena the toxicologist
7 who conducted the analysis of the simulator solution to testify at the
8 preliminary hearing and trial of the issue at no cost to the defendant,
9 if thirty days prior to issuing the subpoena the defendant gives the
10 state toxicologist notice of the defendant's intention to require the
11 toxicologist's appearance.

12 **Sec. 2.** RCW 46.61.5054 and 1994 c 275 s 7 are each amended to read
13 as follows:

14 (1)(a) In addition to penalties set forth in RCW 46.61.5051 through
15 46.61.5053, a one hundred twenty-five dollar fee shall be assessed to
16 a person who is either convicted, sentenced to a lesser charge, or
17 given deferred prosecution, as a result of an arrest for violating RCW
18 46.61.502, 46.61.504, 46.61.520, or 46.61.522. This fee is for the
19 purpose of funding the Washington state toxicology laboratory and the
20 Washington state patrol breath test program.

21 (b) Upon a verified petition by the person assessed the fee, the
22 court may suspend payment of all or part of the fee if it finds that
23 the person does not have the ability to pay.

24 (c) When a minor has been adjudicated a juvenile offender for an
25 offense which, if committed by an adult, would constitute a violation
26 of RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522, the court shall
27 assess the one hundred twenty-five dollar fee under (a) of this
28 subsection. Upon a verified petition by a minor assessed the fee, the
29 court may suspend payment of all or part of the fee if it finds that
30 the minor does not have the ability to pay the fee.

31 (2) The fee assessed under subsection (1) of this section shall be
32 collected by the clerk of the court and distributed as follows:

33 (a) Forty percent shall be subject to distribution under RCW
34 3.46.120, 3.50.100, 35.20.220, 3.62.020, 3.62.040, or 10.82.070.

35 (b) (~~If the case involves a blood test by the state toxicology~~
36 ~~laboratory,~~) The remainder of the fee shall be forwarded to the state
37 treasurer (~~for~~) who shall deposit: Fifteen percent in the death

1 investigations account to be used solely for funding the state
2 toxicology laboratory blood or breath testing programs(~~(-~~
3 ~~(c) Otherwise, the remainder of the fee shall be forwarded to the~~
4 ~~state treasurer for deposit~~)); and eighty-five percent in the state
5 patrol highway account to be used solely for funding the Washington
6 state patrol breath test program.

7 **Sec. 3.** RCW 43.103.030 and 1991 c 176 s 2 are each amended to read
8 as follows:

9 There is created the Washington state death investigations council.
10 The council shall (~~oversee the~~) provide a state toxicology laboratory
11 ~~and(, together with the president of the University of Washington,)~~
12 control the laboratory's operation. The council may also study and
13 recommend cost-efficient improvements to the death investigation system
14 in Washington and report its findings to the legislature.

15 Further, the council shall, jointly with the chairperson of the
16 pathology department of the University of Washington's School of
17 Medicine, or the chairperson's designee, oversee the state forensic
18 pathology fellowship program, determine the budget for the program and
19 set the fellow's annual salary, and take those steps necessary to
20 administer the program.

21 **Sec. 4.** RCW 43.103.090 and 1983 1st ex.s. c 16 s 9 are each
22 amended to read as follows:

23 The council has the following powers:

24 (1) To meet at such times and places as may be designated by a
25 majority vote of the council members or, if a majority cannot agree, by
26 the chairman;

27 (2) To adopt rules governing the council and the conduct of its
28 meetings;

29 (3) To require reports from the state toxicologist on matters
30 pertaining to the toxicology laboratory;

31 (4) To review and, if necessary, require changes in the budget
32 request of the toxicology laboratory; (~~and~~)

33 (5) To do anything, necessary or convenient, which enables the
34 council to perform its duties and to exercise its powers;

35 (6) To appoint a toxicologist as state toxicologist to serve at the
36 pleasure of the council; and

37 (7) To set the salary for the state toxicologist.

1 **Sec. 5.** RCW 66.08.180 and 1987 c 458 s 10 are each amended to read
2 as follows:

3 Moneys in the liquor revolving fund shall be distributed by the
4 board at least once every three months in accordance with RCW
5 66.08.190, 66.08.200 and 66.08.210: PROVIDED, That the board shall
6 reserve from distribution such amount not exceeding five hundred
7 thousand dollars as may be necessary for the proper administration of
8 this title: AND PROVIDED FURTHER, That all license fees, penalties and
9 forfeitures derived under this act from class H licenses or class H
10 licensees shall every three months be disbursed by the board as
11 follows:

12 (1) 5.95 percent to the University of Washington and 3.97 percent
13 to Washington State University for alcoholism and drug abuse research
14 and for the dissemination of such research;

15 (2) 1.75 percent, but in no event less than ~~((one))~~ three hundred
16 ~~((fifty))~~ thousand dollars per biennium, to the ~~((University of~~
17 ~~Washington))~~ death investigations account for the death investigations
18 council to conduct the state toxicological laboratory pursuant to RCW
19 ~~((68.08.107))~~ 68.50.107;

20 (3) 88.33 percent to the general fund to be used by the department
21 of social and health services solely to carry out the purposes of RCW
22 ~~((70.96.085, as now or hereafter amended))~~ 70.96A.050;

23 (4) The first fifty-five dollars per license fee provided in RCW
24 66.24.320 and 66.24.330 up to a maximum of one hundred fifty thousand
25 dollars annually shall be disbursed every three months by the board to
26 the general fund to be used for juvenile alcohol and drug prevention
27 programs for kindergarten through third grade to be administered by the
28 superintendent of public instruction;

29 (5) Twenty percent of the remaining total amount derived from
30 license fees pursuant to RCW 66.24.320, 66.24.330, 66.24.340,
31 66.24.350, 66.24.360, and 66.24.370, shall be transferred to the
32 general fund to be used by the department of social and health services
33 solely to carry out the purposes of RCW ~~((70.96.085))~~ 70.96A.050; and

34 (6) One-fourth cent per liter of the tax imposed by RCW 66.24.210
35 shall every three months be disbursed by the board to Washington State
36 University solely for wine and wine grape research, extension programs
37 related to wine and wine grape research, and resident instruction in
38 both wine grape production and the processing aspects of the wine
39 industry in accordance with RCW 28B.30.068. The director of financial

1 management shall prescribe suitable accounting procedures to ensure
2 that the funds transferred to the general fund to be used by the
3 department of social and health services and appropriated are
4 separately accounted for.

5 **Sec. 6.** RCW 68.50.107 and 1986 c 87 s 2 are each amended to read
6 as follows:

7 There shall be established (~~at the University of Washington~~
8 ~~Medical School~~) under the authority of the state death investigations
9 council a state toxicological laboratory under the direction of the
10 state toxicologist whose duty it will be to perform all necessary
11 toxicologic procedures requested by all coroners, medical examiners,
12 and prosecuting attorneys. (~~Annually the president of the University~~
13 ~~of Washington, with the consent of the state death investigations~~
14 ~~council,~~) The state death investigations council shall appoint a
15 (~~competent~~) toxicologist as state toxicologist (~~who shall serve a~~
16 ~~one year term. The state toxicologist may be reappointed to as many~~
17 ~~additional one year terms as the president of the university and the~~
18 ~~death investigations council deem proper. The facilities of the police~~
19 ~~school of the Washington State University and the services of its~~
20 ~~professional staff shall be made available to coroners, medical~~
21 ~~examiners, and prosecuting attorneys in their investigations under this~~
22 ~~chapter. This~~). The laboratory shall be funded by disbursement from
23 the class H license fees as provided in RCW 66.08.180 and by
24 appropriation from the death investigations account as provided in RCW
25 43.79.445.

26 **Sec. 7.** RCW 70.58.107 and 1991 c 3 s 343 are each amended to read
27 as follows:

28 The department of health shall charge a fee of (~~eleven~~) thirteen
29 dollars for certified copies of records and for copies or information
30 provided for research, statistical, or administrative purposes, and
31 eight dollars for a search of the files or records when no copy is
32 made. The department shall prescribe by regulation fees to be paid for
33 preparing sealed files and for opening sealed files.

34 No fee may be demanded or required for furnishing certified copies
35 of a birth, death, fetal death, marriage, divorce, annulment, or legal
36 separation record for use in connection with a claim for compensation
37 or pension pending before the veterans administration.

1 The department shall keep a true and correct account of all fees
2 received and turn the fees over to the state treasurer on a weekly
3 basis.

4 Local registrars shall charge the same fees as the state as
5 hereinabove provided and as prescribed by department regulation, except
6 that local registrars shall charge ((eleven)) thirteen dollars for the
7 first copy of a death certificate and ((six)) eight dollars for each
8 additional copy of the same death certificate when the additional
9 copies are ordered at the same time as the first copy. All such fees
10 collected, except for ((three)) five dollars of each fee for the
11 issuance of a certified copy, shall be paid to the jurisdictional
12 health department.

13 All local registrars in cities and counties shall keep a true and
14 correct account of all fees received under this section for the
15 issuance of certified copies and shall turn ((three)) five dollars of
16 the fee over to the state treasurer on or before the first day of
17 January, April, July, and October.

18 ((Three)) Five dollars of each fee imposed for the issuance of
19 certified copies, except for copies suitable for display issued under
20 RCW 70.58.085, at both the state and local levels shall be held by the
21 state treasurer in the death investigations account established by RCW
22 43.79.445.

23 NEW SECTION. **Sec. 8.** 1994 c 275 s 44 (uncodified) is repealed.

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