
SUBSTITUTE HOUSE BILL 1518

State of Washington 60th Legislature 2007 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives Williams, Lantz, Moeller, Appleton, Darneille, Goodman, Hunt, Chase, Miloscia, Ormsby, Hudgins, Pedersen, McDermott and Santos)

READ FIRST TIME 2/28/07.

1 AN ACT Relating to creating a death penalty task force; creating
2 new sections; making appropriations; and providing an expiration date.

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

4 NEW SECTION. **Sec. 1.** (1) The legislature recognizes the growing
5 concern by Washingtonians, members of the judicial branch, and members
6 of the legislature about the administration of the death penalty in
7 Washington. In a March 30, 2006, decision, the Washington supreme
8 court was divided five to four over whether Washington's capital
9 punishment system is applied fairly. The five justice majority
10 concluded that the fact that Mr. Gary Ridgway "will live out his life
11 in prison instead of facing the death penalty has caused many in our
12 community to seriously question whether the death penalty can, in
13 fairness, be proportional when applied to any other defendant...it is a
14 question best left to the people and to their elected representatives
15 in the legislature." The four justice dissent reasoned, after review
16 of Washington's death penalty statute over the twenty-five years of its
17 existence, that "the death penalty is like lightning, randomly striking
18 some defendants and not others," and concluded that "no rational

1 explanation exists to explain why some individuals escape the penalty
2 of death and others do not."

3 (2) The legislature finds that historically most death sentences
4 imposed in Washington have been reversed and rarely imposed. The
5 legislature further finds that it is in the state's interest to
6 determine whether the state's capital punishment system is applied
7 fairly and proportionally, and whether the continued allocation of
8 substantial time, resources, and moneys spent on capital trials and
9 appeals is warranted.

10 NEW SECTION. **Sec. 2.** (1) A death penalty task force is created
11 for the purpose of conducting a review of the existing death penalty
12 statutes and court rules to determine the following:

13 (a) The uniformity of decision making by prosecuting attorneys in
14 terms of charging defendants with aggravated first degree murder and
15 the criteria used in such decisions;

16 (b) The impact of race, ethnicity, gender, and economic status on
17 the likelihood of a defendant being charged with aggravated first
18 degree murder;

19 (c) The administration of Washington's death penalty law since the
20 enactment of chapter 10.95 RCW to determine whether it is applied
21 randomly or arbitrarily;

22 (d) The costs associated with capital trials and appeals;

23 (e) Evidence concerning cases in which a defense of severe mental
24 disorder, significantly impairing a defendant's ability to appreciate
25 the wrongfulness of his or her actions, could have been offered had
26 such a defense been available and how that defense might have affected
27 the outcome of cases; and

28 (f) Whether there are revisions to existing statutes and court
29 rules that, if implemented, would decrease the likelihood of an
30 inappropriate imposition of the death penalty.

31 (2) The task force shall consist of the following twelve members:

32 (a) One member from each of the two largest caucuses of the house
33 of representatives, appointed by the speaker of the house of
34 representatives;

35 (b) One member from each of the two largest caucuses of the senate,
36 appointed by the president of the senate;

1 (c) One member representing the governor's policy office, appointed
2 by the governor;

3 (d) One member appointed by the Washington association of criminal
4 defense lawyers who has experience in death penalty cases;

5 (e) One member appointed by the Washington defenders association
6 who has experience in death penalty cases;

7 (f) Two members appointed by the Washington association of
8 prosecuting attorneys who have experience in death penalty cases;

9 (g) One member appointed by the Washington association of sheriffs
10 and police chiefs;

11 (h) One member from a crime victims' organization, appointed by the
12 task force members designated in (a) through (g) of this subsection;
13 and

14 (i) One civilian who is a former secretary of the department of
15 corrections and who has been a witness to an execution, appointed by
16 the task force members designated in (a) through (g) of this
17 subsection.

18 (3) The task force shall choose its chair from among its members.

19 (4) The task force may conduct meetings, select officers, and
20 prescribe rules of procedure. The task force shall cooperate, act, and
21 function with legislative committees and executive agencies as
22 necessary to complete its business.

23 (5) The task force may contract with additional persons who have
24 specific technical or statistical expertise, if such expertise is
25 necessary to carry out the mandates of the study.

26 (6) Legislative members of the task force shall be reimbursed for
27 travel expenses in accordance with RCW 44.04.120. Nonlegislative
28 members are entitled to be reimbursed for travel expenses in accordance
29 with RCW 43.03.050 and 43.03.060.

30 (7) The task force shall report its findings and recommendations to
31 the governor, Washington supreme court, and appropriate committees of
32 the legislature by January 1, 2008.

33 (8) This section expires July 1, 2008.

34 NEW SECTION. **Sec. 3.** (1) The sum of twenty-five thousand dollars,
35 or as much thereof as may be necessary, is appropriated for the fiscal
36 year ending June 30, 2007, from the state general fund to the house of
37 representatives for the purposes of this act.

1 (2) The sum of fifty thousand dollars, or as much thereof as may be
2 necessary, is appropriated for the fiscal year ending June 30, 2008,
3 from the state general fund to the house of representatives for the
4 purposes of this act.

5 (3) The sum of twenty-five thousand dollars, or as much thereof as
6 may be necessary, is appropriated for the fiscal year ending June 30,
7 2007, from the state general fund to the senate for the purposes of
8 this act.

9 (4) The sum of fifty thousand dollars, or as much thereof as may be
10 necessary, is appropriated for the fiscal year ending June 30, 2008,
11 from the state general fund to the senate for the purposes of this act.

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