

HOUSE BILL REPORT

HB 1912

As Reported By House Committee On:
Corrections

Title: An act relating to the department of corrections establishing guidelines for allowing witnesses at an execution.

Brief Description: Establishing guidelines for allowing witnesses at an execution.

Sponsors: Representatives Morris and Long.

Brief History:

Reported by House Committee on:
Corrections, March 1, 1993, DPS.

HOUSE COMMITTEE ON CORRECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Morris, Chair; Mastin, Vice Chair; Long, Ranking Minority Member; Edmondson, Assistant Ranking Minority Member; G. Cole; L. Johnson; Ogden; and Padden.

Staff: Jim Lux (786-7841).

Background: Current law contains no guidelines for allowing individuals to witness the execution of a person sentenced to death.

Summary of Substitute Bill: A process is established for authorized individuals to attend and witness the execution of an offender sentenced to death.

Not less than 20 days prior to a scheduled execution, judicial officers, media representatives, representatives from the families of the victims, and representatives from the family of the defendant who wish to attend and witness the execution must submit an application to the superintendent of the penitentiary at Walla Walla. The application must designate the relationship and reason for wishing to attend.

Not less than 15 days prior to the scheduled execution the superintendent shall designate the maximum number of individuals allowed to attend and witness the execution. In

no case shall more than 17 individuals, other than required staff, witness the execution. The following categories of witnesses will be allowed:

- media representatives;
- judicial officers;
- representatives from the families of victims; and,
- representatives from the family of the defendant.

After the list is composed, the superintendent shall serve the list on all parties that submitted an application. The superintendent shall develop and implement procedures to determine who, within each category of witness, will be allowed to observe the execution.

The superintendent shall file the witness list with the Superior Court from which the conviction and death warrant was issued not less than 10 days prior to the scheduled execution. A petition shall be included asking the court to enter an order certifying the list as the final order identifying the witnesses to attend the execution. The final order certifying the witness list shall not be entered less than five days after the filing of the petition.

Unless a show cause petition is filed with the county Superior Court from which the conviction and death warrant was issued, within five days of the filing of the superintendent's petition, the superintendent's list, by order of the court, becomes final and cannot be challenged for its appropriateness.

Witnesses must adhere to the Department of Correction's search and security provisions for attending an execution.

The county Superior Court from which the conviction and death warrant was issued is the exclusive court for seeking the privilege of attending and witnessing an execution.

Judicial officer, media representative, representative from the family of the victim and representative from the family of the defendant are defined.

Substitute Bill Compared to Original Bill: The timeframes for petitioning the superintendent at the Walla Walla penitentiary and the Walla Walla Superior Court for witnessing an execution are modified to conform with the final decision made by the Supreme Court authorizing the execution and the earliest possible execution date. The petition to the Walla Walla Superior Court is changed to the county Superior Court from which the conviction and death sentence was issued.

Fiscal Note: Available.

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

Testimony For: The capacity at the Walla Walla penitentiary for individuals to witness an execution is limited. The potential for persons interested in witnessing the execution may exceed the capacity and a process is necessary to select the appropriate number of witnesses.

Testimony Against: None.

Witnesses: (Pro) Jim Spalding, Department of Corrections; and (neither pro nor con) Jerry Sheehan, American Civil Liberties Union.