

FINAL BILL REPORT

SHB 1912

C 463 L 93
Synopsis as Enacted

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

By House Committee on Corrections (originally sponsored by Representatives Morris and Long).

House Committee on Corrections
Senate Committee on Law & Justice

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

Summary: 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 must designate the maximum number of individuals allowed to attend and witness the execution. In no case will 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 must serve the list on all parties that submitted an application. The superintendent must develop and implement procedures to determine who, within each category of witness, will be allowed to observe the execution.

Not less than 10 days prior to the scheduled execution, the superintendent must file the witness list with the superior court from which the conviction and death warrant was

issued. A petition must 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 may 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.

Votes on Final Passage:

House	97	1	
Senate	43	0	(Senate amended)
House	92	2	(House concurred)

Effective: July 25, 1993