

SENATE BILL REPORT

SHB 1912

AS REPORTED BY COMMITTEE ON LAW & JUSTICE, APRIL 1, 1993

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

SPONSORS: House Committee on Corrections (originally sponsored by Representatives Morris and Long)

HOUSE COMMITTEE ON CORRECTIONS

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended.

Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Roach, and Spanel.

Staff: Susan Carlson (786-7418)

Hearing Dates: April 1, 1993

BACKGROUND:

Current 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 shall designate the total number of individuals allowed to attend and witness the execution. No more than 17 individuals, other than required staff, may witness the execution. After the witness list is composed, the superintendent must 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 categories of witnesses are media representatives, judicial officers, representatives from the families of victims, and representatives from the defendant's family.

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.

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.

The terms "judicial officer," "media representative," "representative from the family of the victim" and "representative from the family of the defendant" are defined.

SUMMARY OF PROPOSED SENATE AMENDMENT:

An incorrect reference to Walla Walla Superior Court is stricken. The bill establishes that the court with jurisdiction is the one from which the conviction and death warrant was issued.

Appropriation: none

Revenue: none

Fiscal Note: available

TESTIMONY FOR:

A process is needed to determine who may witness an execution.

TESTIMONY AGAINST: None

TESTIFIED: Jim Spalding, Department of Corrections