

SENATE BILL REPORT

SB 5415

AS OF FEBRUARY 15, 1993

Brief Description: Requiring that the death penalty be carried out by lethal injection.

SPONSORS: Senators Prentice, Pelz and Talmadge

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Lidia Mori (786-7755)

Hearing Dates: February 17, 1993

BACKGROUND:

The death penalty in Washington is carried out by hanging or, at the election of the condemned person, by lethal injection. Up until the execution of Westley Dodd on January 5, 1993, the last execution in this state was by hanging in 1963. No state has hanging as its sole method of execution, and as of last year, only two other states had hanging as an optional method. The last hangings in the other states that still have that method as an option were in the 1940's. Among the 36 states with capital punishment laws in 1992, lethal injection was the most common form of execution. Twenty-two states used lethal injection.

The Washington State Supreme Court has rejected the argument that the state's choice of method of execution provision amounts to cruel and unusual punishment. However, that same argument is now being made in the federal courts, along with the argument that hanging itself is cruel and unusual.

SUMMARY:

Lethal injection is made the exclusive method of execution for defendants who commit capital offenses. If lethal injection is invalidated by the courts, then hanging will become the primary method of execution unless an inmate elects to be executed by lethal injection.

Appropriation: none

Revenue: none

Fiscal Note: requested