
ENGROSSED HOUSE BILL 1043

State of Washington

53rd Legislature

1993 Regular Session

By Representatives Schmidt, Appelwick, Morris, Long, I. Ballasiotes, Riley, Springer, Shin, Brough, Eide, Johanson, Fuhrman, Silver and J. Kohl

Read first time 01/13/93. Referred to Committee on Judiciary.

1 AN ACT Relating to method of execution; amending RCW 10.95.180; and
2 prescribing penalties.

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

4 **Sec. 1.** RCW 10.95.180 and 1986 c 194 s 1 are each amended to read
5 as follows:

6 (1) For any defendant sentenced to death for a crime committed
7 before the effective date of this act, the punishment of death shall be
8 supervised by the superintendent of the penitentiary and shall be
9 inflicted ((either by hanging by the neck or, at the election of the
10 defendant,)) by intravenous injection of a substance or substances in
11 a lethal quantity sufficient to cause death and until the defendant is
12 dead, or at the election of the defendant by hanging by the neck until
13 the defendant is dead. In any case, death shall be pronounced by a
14 licensed physician.

15 (2) For any defendant sentenced to death for a crime committed on
16 or after the effective date of this act, the punishment of death shall
17 be supervised by the superintendent of the penitentiary and shall be
18 inflicted by intravenous injection of a substance or substances in a
19 lethal quantity sufficient to cause death and until the defendant is

1 dead. In the event execution by lethal injection is held invalid or
2 unconstitutional by a court of competent jurisdiction, the method of
3 execution shall be hanging by the neck until the defendant is dead.

4 (3) All executions, for both men and women, shall be carried out
5 within the walls of the state penitentiary.

6 (4) If any provision of this section or its application to any
7 person is held invalid, the remainder of this section, or the
8 application of the provision to other persons or circumstances, is not
9 affected.

10 (5) The office of the administrator for the courts shall conduct an
11 ongoing comparison study of racial and gender proportionalities with
12 respect to aggravated first degree murder cases before and after the
13 effective date of this act. The office shall report annually to each
14 member of the legislature the cumulative results of its study. The
15 study shall specifically include, but not be limited to, gender and
16 race proportionalities during the period from 1981 until the effective
17 date of this act as compared to those same proportionalities during the
18 period after the effective date of this act with respect to each of the
19 following categories of aggravated first degree murder prosecutions:

- 20 (a) All cases in which the death penalty has not been sought;
21 (b) All cases in which the death penalty has been sought;
22 (c) All cases in which a sentence of death has been entered; and
23 (d) All cases in which a sentence of death has been carried out.

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