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HOUSE BILL 1912

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State of Washington                      53rd Legislature                      1993 Regular Session

By Representatives Morris and Long

Read first time 02/15/93. Referred to Committee on Corrections.

1            AN ACT Relating to the department of corrections establishing  
2 guidelines for allowing witnesses at an execution; adding a new section  
3 to chapter 10.95 RCW; and creating a new section.

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

5            NEW SECTION.    **Sec. 1.** The legislature declares that, to the extent  
6 that the attendance of witnesses can be accommodated without  
7 compromising the security or the orderly operation of the Washington  
8 state penitentiary, it is the policy of the state of Washington to  
9 provide authorized individuals the opportunity to attend and witness  
10 the execution of an individual sentenced to death pursuant to chapter  
11 10.95 RCW. Further, it is the policy of the state of Washington to  
12 provide for access to the execution to credentialed members of the  
13 media.

14            NEW SECTION.    **Sec. 2.** A new section is added to chapter 10.95 RCW  
15 to read as follows:

16            (1) Not less than thirty days prior to a scheduled execution,  
17 judicial officers, media representatives, representatives from the  
18 families of the victims, and representatives from the family of the

1 defendant who wish to attend and witness the execution, must submit an  
2 application to the superintendent. Such application must designate the  
3 relationship and reason for wishing to attend.

4 (2) Not less than twenty-five days prior to the scheduled  
5 execution, the superintendent shall designate the total number of  
6 individuals who will be allowed to attend and witness the planned  
7 execution. The superintendent shall determine the number of witnesses  
8 that will be allowed in each of the following categories:

9 (a) Media representatives.

10 (b) Judicial officers.

11 (c) Representatives from the families of victims.

12 (d) Representatives from the family of the defendant.

13 After the list is composed, the superintendent shall serve this list on  
14 all parties who have submitted an application pursuant to this section.  
15 The superintendent shall develop and implement procedures to determine  
16 the persons within each of the categories listed in this subsection who  
17 will be allowed to attend and witness the execution.

18 (3) Not less than twenty days prior to the scheduled execution, the  
19 superintendent shall file the witness list with the Walla Walla county  
20 superior court with a petition asking that the court enter an order  
21 certifying this list as a final order identifying the witnesses to  
22 attend the execution. The final order of the court certifying the  
23 witness list shall not be entered less than ten days after the filing  
24 of the petition.

25 (4) Unless a show cause petition is filed with the Walla Walla  
26 county superior court within ten days of the filing of the  
27 superintendent's petition, the superintendent's list, by order of the  
28 Walla Walla superior court, becomes final, and no other party has  
29 standing to challenge its appropriateness.

30 (5) In no case may the superintendent or the superior court order  
31 or allow more than seventeen individuals other than required staff to  
32 witness a planned execution.

33 (6) All witnesses must adhere to the search and security provisions  
34 of the department of corrections' policy regarding the witnessing of an  
35 execution.

36 (7) The Walla Walla county superior court is the exclusive court  
37 for seeking judicial process for the privilege of attending and  
38 witnessing an execution.

39 (8) For purposes of this section:

1 (a) "Judicial officer" means: (i) The superior court judge who  
2 signed the death warrant issued pursuant to RCW 10.95.160 for the  
3 execution of the individual, (ii) the current prosecuting attorney of  
4 the county from which the final judgment and sentence and death warrant  
5 were issued, and (iii) the most recent attorney of record representing  
6 the individual sentenced to death.

7 (b) "Media representatives" means representative members of all  
8 forms of media.

9 (c) "Representative from the family of the victim" means a  
10 representative from the immediate family of a victim of the individual  
11 sentenced to death.

12 (d) "Representative from the family of the defendant" means a  
13 representative from the immediate family of the individual sentenced to  
14 death.

15 (e) "Superintendent" means the superintendent of the Washington  
16 state penitentiary.

17 NEW SECTION. **Sec. 3.** If any provision of this act or its  
18 application to any person or circumstance is held invalid, the  
19 remainder of the act or the application of the provision to other  
20 persons or circumstances is not affected.

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