

2 SHB 1276 - S COMM AMD

3 By Committee on Human Services & Corrections

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 10.95.185 and 1993 c 463 s 2 are each amended to read
8 as follows:

9 (1) Not less than twenty days prior to a scheduled execution,
10 judicial officers, law enforcement representatives, media
11 representatives, representatives from the families of the victims, and
12 representatives from the family of the defendant who wish to attend and
13 witness the execution, must submit an application to the
14 superintendent. Such application must designate the relationship and
15 reason for wishing to attend.

16 (2) Not less than fifteen days prior to the scheduled execution,
17 the superintendent shall designate the total number of individuals who
18 will be allowed to attend and witness the planned execution. The
19 superintendent shall determine the number of witnesses that will be
20 allowed in each of the following categories:

21 (a) No more than five media representatives, unless additional
22 space or spaces remain available after selection of all eligible
23 witnesses from the other four categories.

24 (b) Judicial officers.

25 (c) Representatives (~~from~~) of the families of victims.

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

27 (e) Up to two law enforcement representatives, unless additional
28 space or spaces remain available after selection of all eligible
29 witnesses from representatives of the families of victims. The chief
30 law enforcement officer of the jurisdiction where the crime was
31 committed shall be responsible for designating the law enforcement
32 representatives.

33 After the list is composed, the superintendent shall serve this list on
34 all parties who have submitted an application pursuant to this section.
35 The superintendent shall develop and implement procedures to determine

1 the persons within each of the categories listed in this subsection who
2 will be allowed to attend and witness the execution.

3 (3) Not less than ten days prior to the scheduled execution, the
4 superintendent shall file the witness list with the superior court from
5 which the conviction and death warrant was issued with a petition
6 asking that the court enter an order certifying this list as a final
7 order identifying the witnesses to attend the execution. The final
8 order of the court certifying the witness list shall not be entered
9 less than five days after the filing of the petition.

10 (4) Unless a show cause petition is filed with the superior court
11 from which the conviction and death warrant was issued within five days
12 of the filing of the superintendent's petition, the superintendent's
13 list, by order of the superior court, becomes final, and no other party
14 has standing to challenge its appropriateness.

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

18 (6) In no case may the superintendent or the superior court order
19 or allow a person under the age of sixteen years to attend the
20 execution.

21 (7) All witnesses must adhere to the search and security provisions
22 of the department of corrections' policy regarding the witnessing of an
23 execution.

24 ~~((7))~~ (8) The superior court from which the conviction and death
25 warrant was issued is the exclusive court for seeking judicial process
26 for the privilege of attending and witnessing an execution.

27 ~~((8))~~ (9) For purposes of this section:

28 (a) "Judicial officer" means: (i) The superior court judge who
29 signed the death warrant issued pursuant to RCW 10.95.160 for the
30 execution of the individual, (ii) the current prosecuting attorney or
31 deputy prosecuting attorney of the county from which the final judgment
32 and sentence and death warrant were issued, and (iii) the most recent
33 attorney of record representing the individual sentenced to death.

34 (b) "Law enforcement representatives" means (i) the chief law
35 enforcement officer of the jurisdiction where the crime was committed
36 and (ii) those law enforcement officers responsible for investigating
37 the crime for which the defendant was sentenced to death.

38 (c) "Media representatives" means representative members of all
39 forms of media.

1 (~~(c)~~) (d) "Representatives (~~(from the family of the victim" means~~
2 ~~a representative from the immediate family of a victim))~~ of the
3 families of victims" means representatives of the immediate families of
4 the victim(s) of the individual sentenced to death.

5 (~~(d)~~) (e) "Representative from the family of the defendant" means
6 a representative from the immediate family of the individual sentenced
7 to death.

8 (~~(e)~~) (f) "Superintendent" means the superintendent of the
9 Washington state penitentiary."

10 **SHB 1276** - S COMM AMD
11 By Committee on Human Services & Corrections

12
13 On page 1, line 1 of the title, after "witnesses;" strike the
14 remainder of the title and insert "and amending RCW 10.95.185."

--- END ---