

2 **SHB 1276** - S COMM AMD

3 By Committee on Human Services & Corrections

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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))~~ of the victims' families ~~((of~~
12 ~~the victims))~~, and representatives ~~((from))~~ of the defendant's family
13 ~~((of the defendant))~~ who wish to attend and witness the execution, must
14 submit an application to the superintendent. Such application must
15 designate the relationship and 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, one of which must be
22 from a local newspaper from the community in which the crime was
23 committed, unless additional space or spaces remain available after
24 selection of all eligible witnesses from the other four categories.

25 (b) Judicial officers.

26 (c) Representatives ~~((from))~~ of the victims' families ~~((of~~
27 ~~victims))~~.

28 (d) Representatives ~~((from))~~ of the defendant's family ~~((of the~~
29 ~~defendant))~~.

30 (e) Up to two law enforcement representatives. The chief law
31 enforcement officer of the jurisdiction where the crime was committed
32 shall be responsible for designating the law enforcement
33 representatives.

34 After the list is composed, the superintendent shall serve this list on
35 all parties who have submitted an application pursuant to this section.
36 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 eighteen 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 victims' families" means one or more representatives from or requested
4 by the immediate family members of the victim(s) of the individual
5 sentenced to death.

6 (~~(d)~~) (e) "Representatives (~~(from)~~) of the defendant's family
7 (~~(of the defendant)~~)" means (~~(a)~~) one or more representatives from or
8 requested by the immediate family members of the individual sentenced
9 to death.

10 (~~(e)~~) (f) "Superintendent" means the superintendent of the
11 Washington state penitentiary."

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

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