

HOUSE BILL REPORT

HB 1394

As Reported By House Committee On:
Criminal Justice & Corrections

Title: An act relating to execution witnesses.

Brief Description: Concerning the witnesses of an execution.

Sponsors: Representatives Blalock, Costa, Radcliff, O'Brien and Skinner.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/7/97, 2/12/97 [DP].

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 13 members: Representatives Ballasiotes, Chairman; Benson, Vice Chairman; Koster, Vice Chairman; Quall, Ranking Minority Member; O'Brien, Assistant Ranking Minority Member; Blalock; Cairnes; Delvin; Dickerson; Hickel; Mitchell; Robertson and Sullivan.

Staff: Yvonne Walker (786-7841).

Background: The execution of an inmate under a death sentence is carried out at the state penitentiary in Walla Walla. The execution may be witnessed by a number of different groups:

- media representatives;
- various judicial officers;
- representatives from the families of the victims; and
- representatives from the inmate's family.

Current law sets out the procedure for determining which individuals from these eligible groups will be allowed to witness the execution. An eligible person may apply for permission to be a witness. The superintendent of the penitentiary reviews the applications and decides which individuals may attend. The superintendent's decision may be challenged through a court action.

The superintendent may allow no more than 17 witnesses to the execution, excluding the staff needed to carry out the execution. There is no limit to the number of media

representatives who may attend an inmate execution. In addition, a victim's family may be represented by an immediate family member, however the law is unclear whether more than one family member may attend.

The term *judicial officer*– refers to the judge who signed the death warrant, the elected prosecuting attorney whose office prosecuted the death penalty case, and the inmate's most recent attorney.

Summary of Bill: The list of witnesses who may attend an inmate execution includes a maximum of two law enforcement officers who were responsible for investigating the associated criminal case and a maximum of five representatives from the media. The number of law enforcement officials and media representatives may exceed their maximum number only if additional space remains after the selection of all eligible witnesses.

The term *judicial officer*– is expanded to include deputy prosecuting attorneys. A deputy prosecuting attorney involved in the defendant's case may attend instead of the elected prosecuting attorney.

Families of victims may be represented by a person other than an immediate family member, including a victim advocate of the victim's family. Families of victims may have more than one representative attend.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Families of victims often like to close a chapter in their life relating to the loss of a family member which has resulted in much pain and grief over the years. One way of closing this chapter is to be able to witness the execution of the offender who brought that pain into their life. Due to the limited capacity size of the viewing room and the number of media representatives that are allowed to witness and report on the past executions, many victim family members, victim advocates, and even the law enforcement officers who were in charge of investigating this particular case, have many times been denied access to the execution. Victims and families of victims should be given first priority and should not be punished further by being denied access to watch the execution.

Some people might feel it is revenge to watch an inmate's execution, however several family members of the victim just like to see this particular offender permanently taken off the street so that no one else will be hurt by this offender.

At the family members' discretion, they should have the option to witness the execution of the offender who hurt a loved one within their family. The witnessing of an inmate's execution often allows the victims and their families to add closure to a piece of their life in which they have been so traumatized over the years.

Testimony Against: Executions are not just held for the victims or the victim's family but for society as a whole. As taxpayers, the entire state is technically responsible for the execution of an offender and the media is there to deliver that information to those citizens who may not be able to read, write, or see the execution for themselves. The media is accountable to the public just like any other public official. As a result, there was concern that in the future, media representation may be excluded all together. It is suggested that the number of media representation should be least equal to the number of family members witnessing the execution. This will enable members of the public to get several variations and perspectives on the story.

Due to space limitations, it is also suggested that the number of law enforcement officers witnessing an execution be eliminated or at least limited to only the chief law enforcement officer. Law enforcement officers turnover regularly and given the time it takes to execute an inmate (approximately 15 to 20 years in some cases), the original officers are usually no longer working in the same local law enforcement agency. In addition, the definition of victim advocate should be narrowed to include only advocates which are appointed by the court.

Testified: Representative Rod Blalock, prime sponsor (pro); Representative Jeralita Costa (pro); Lorene Ahlers Iverson (pro); Bobbi Costa, Family and Friends of Violent Crime Victims (pro); Janyce Griswold (pro); Courtney May, Violent Crime Victim Services (pro); Rowland Thompson, Allied Daily Newspapers (con); Terry McConn, Walla Walla Union-Bulletin (con); Jim Blodgett, Department of Corrections; and Tana Wood, Washington State Penitentiary (concerns).