

# HOUSE BILL ANALYSIS

## HB 1394

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**Title:** An act relating to execution witnesses.

**Brief Description:** Concerning the witness of an execution.

**Sponsors:** Representatives Blalock and Costa.

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### HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

**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:** 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.

**Require the Exercise of Rule- Making Powers:** No

**Fiscal Note:** Received on January 30, 1997.

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