

HOUSE BILL ANALYSIS

2828

Title: An act relating to execution witnesses.

Brief Description: Augmenting provisions for execution witnesses.

Sponsors: Representatives Ballasiotes, Costa, and Mitchell.

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

Hearing Date: January 27, 1998.

Prepared By: Yvonne Walker, Research Analyst (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.

Law enforcement officers are excluded from the list of eligible witnesses who may watch a death sentence being carried out.

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, chosen by the chief law enforcement officer, who were responsible for investigating the associated criminal case and five representatives from the media. The number of media representatives may exceed five attendees only if additional space remains after the selection of all other eligible witnesses.

The term law enforcement representatives– includes the chief law enforcement officer of the jurisdiction where the crime was committed and those law enforcement officers that were responsible for investigating the crime for which the defendant was sentenced to death.

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.

Require the Exercise of Rule-Making Powers: No

Fiscal Note: Requested.

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