

SENATE BILL REPORT

EHB 1394

As Reported By Senate Committee On:
Human Services & Corrections, April 2, 1997

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: Human Services & Corrections: 4/1/97, 4/2/97 [DP].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass.

Signed by Senators Long, Chair; Zarelli, Vice Chair; Hargrove, Kohl, Schow and Stevens.

Staff: Andrea McNamara (786-7483)

Background: Executions of offenders sentenced to death are carried out at the Walla Walla State Penitentiary. The physical size of the execution chamber limits the number of people who may witness an execution to 17, other than the staff necessary to carry out the execution.

Current law specifies that individuals may apply to attend an execution if they qualify under one of the following categories: (1) certain judicial officers; (2) media representatives; (3) representatives of the family of the victim(s); or, (4) representatives of the defendant's family. Each of these categories is defined in the current law.

The superintendent of the penitentiary reviews all applications and, using established procedures, selects individuals from each category who may attend the execution. The superintendent's decision must be filed with the sentencing court and may be challenged through a petition process.

Current law does not clearly specify how many people may attend from each category: no limits are placed on the number of media representatives who may attend, and it is unclear whether more than one member of the victim's family may attend.

Summary of Bill: The number of media representatives is set at five. Additional media may be selected if more space is available after selection of the witnesses from all other categories.

An additional category of eligible witnesses is created and defined to include the chief law enforcement officer and the investigating officers responsible for the defendant's case. Up

to two "law enforcement representatives" may attend. The chief law enforcement officer from the jurisdiction where the crime was committed is responsible for designating the law enforcement representatives.

The category of judicial officers— 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.

The category of "representatives from the family of the victim" is amended so that families of victims may be represented by a person other than an immediate family member, including a victim advocate of the victim's immediate 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: The changes in this bill promote fairness by ensuring that family members of victims are adequately represented before filling the limited spaces with media representatives.

Testimony Against: Concerns were expressed that undue pressure may be put on victims' family members by individuals seeking to attend as "advocates" on behalf of the family. The justification for creating the category of "law enforcement officers" (to allow closure for those officers who have worked on the defendant's case) is not a sufficient policy reason to expand the categories of possible witnesses.

Testified: Rod Blalock, prime sponsor (pro); Tana Wood, Superintendent of Washington State Penitentiary (concerns); Rowland Thompson, Executive Director of Allied Daily Newspapers (concerns).