
HOUSE BILL 2828

State of Washington

55th Legislature

1998 Regular Session

By Representatives Ballasiotes, Costa and Mitchell

Read first time 01/21/98. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to execution witnesses; and amending RCW 10.95.185.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

3 **Sec. 1.** RCW 10.95.185 and 1993 c 463 s 2 are each amended to read
4 as follows:

5 (1) Not less than twenty days prior to a scheduled execution,
6 judicial officers, law enforcement representatives, media
7 representatives, representatives from the families of the victims, and
8 representatives from the family of the defendant who wish to attend and
9 witness the execution, must submit an application to the
10 superintendent. Such application must designate the relationship and
11 reason for wishing to attend.

12 (2) Not less than fifteen days prior to the scheduled execution,
13 the superintendent shall designate the total number of individuals who
14 will be allowed to attend and witness the planned execution. The
15 superintendent shall determine the number of witnesses that will be
16 allowed in each of the following categories:

17 (a) Five media representatives, unless additional space remains
18 available after selection of all eligible witnesses from the other four
19 categories.

1 (b) Judicial officers.

2 (c) Representatives (~~from~~) of the families of the victims.

3 (d) Representatives from the family of the defendant.

4 (e) Up to two representatives from law enforcement. The chief law
5 enforcement officer of the jurisdiction where the crime was committed
6 shall designate the law enforcement representatives.

7 After the list is composed, the superintendent shall serve this list on
8 all parties who have submitted an application pursuant to this section.
9 The superintendent shall develop and implement procedures to determine
10 the persons within each of the categories listed in this subsection who
11 will be allowed to attend and witness the execution.

12 (3) Not less than ten days prior to the scheduled execution, the
13 superintendent shall file the witness list with the superior court from
14 which the conviction and death warrant was issued with a petition
15 asking that the court enter an order certifying this list as a final
16 order identifying the witnesses to attend the execution. The final
17 order of the court certifying the witness list shall not be entered
18 less than five days after the filing of the petition.

19 (4) Unless a show cause petition is filed with the superior court
20 from which the conviction and death warrant was issued within five days
21 of the filing of the superintendent's petition, the superintendent's
22 list, by order of the superior court, becomes final, and no other party
23 has standing to challenge its appropriateness.

24 (5) In no case may the superintendent or the superior court order
25 or allow more than seventeen individuals other than required staff to
26 witness a planned execution.

27 (6) All witnesses must adhere to the search and security provisions
28 of the department of corrections' policy regarding the witnessing of an
29 execution.

30 (7) The superior court from which the conviction and death warrant
31 was issued is the exclusive court for seeking judicial process for the
32 privilege of attending and witnessing an execution.

33 (8) For purposes of this section:

34 (a) "Judicial officer" means: (i) The superior court judge who
35 signed the death warrant issued pursuant to RCW 10.95.160 for the
36 execution of the individual, (ii) the current prosecuting attorney or
37 a deputy prosecuting attorney of the county from which the final
38 judgment and sentence and death warrant were issued, and (iii) the most

1 recent attorney of record representing the individual sentenced to
2 death.

3 (b) "Law enforcement representatives" means (i) the chief law
4 enforcement officer of the jurisdiction where the crime was committed;
5 and (ii) those law enforcement officers responsible for investigating
6 the crime for which the defendant was sentenced to death.

7 (c) "Media representatives" means representative members of all
8 forms of media.

9 ~~((c))~~ (d) ~~"Representatives ((from the family of the victim" means~~
10 ~~a representative from the immediate family of a victim)) of the~~
11 families of victims" means representatives of the immediate families of
12 the victim(s) of the individual sentenced to death, including victim
13 advocates of the immediate family members.

14 ~~((d))~~ (e) "Representative from the family of the defendant" means
15 a representative from the immediate family of the individual sentenced
16 to death.

17 ~~((e))~~ (f) "Superintendent" means the superintendent of the
18 Washington state penitentiary.

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