

# SENATE BILL REPORT

## SB 6137

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As Reported By Senate Committee On:  
Judiciary, February 4, 2000

**Title:** An act relating to the death penalty.

**Brief Description:** Creating a task force to study the death penalty.

**Sponsors:** Senators Kline, Fraser, Kohl-Welles, Prentice, Fairley and Thibaudeau.

**Brief History:**

**Committee Activity:** Judiciary: 1/12/00, 2/4/2000 [DPS].

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** That Substitute Senate Bill No. 6137 be substituted therefor, and the substitute bill do pass.

Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Long and Thibaudeau.

**Staff:** Aldo Melchiori (786-7439)

**Background:** The latest death penalty statute was enacted in 1981 and the provisions remain substantially unchanged today. Aggravated, premeditated first degree murder is the only offense eligible for capital punishment. In 1996, the default method of execution was changed to lethal injection, with hanging by the neck available at the election of the offender.

In 1997, the Legislature asked the Advisory Committee of the Office of Public Defense to analyze methods for reimbursing private attorneys appointed in appellate indigent death penalty cases and develop standards and criteria to control costs. The report to the Supreme Court and the Legislature was submitted in 1998.

Since 1904, there have been 76 executions in Washington. There are currently 13 inmates subject to the death penalty. The most recent execution was in 1998.

**Summary of Substitute Bill:** A death penalty task force must review existing statutes and court rules to determine: (1) the adequacy of counsel and resources provided defendants, (2) the uniformity of decision-making by prosecuting attorneys, (3) the impact of race, ethnicity, gender, and economic status, and (4) whether statutes or court rules could be revised to decrease the likelihood of an inappropriate imposition of the death sentence. The task force reports to the Legislature, Governor, and Supreme Court by January 1, 2002.

The 11-member task force includes two members each appointed by the Chief Justice of the state Supreme Court, the President of the Senate, the Co-Speakers of the House, and the Governor, as well as three members appointed by the President of the Washington State Bar Association.

Members of the task force are not compensated, but do receive reimbursement for travel expenses. Staff and support is provided by the Office of the Administrator for the Courts.

**Substitute Bill Compared to Original Bill:** The stay on sentences of death for aggravated first degree murder is removed.

**Appropriation:** \$150,000.

**Fiscal Note:** Not requested.

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

**Testimony For:** If the state claims the right to take the life of a human being, it must have no doubt that the right is exercised properly and equitably. We need to rethink the use of the death penalty in Washington, Adequacy of counsel is an ongoing problem. Mandatory presentation of mitigating factors should be required.

**Testimony Against:** None.

**Testified:** PRO: Senator Kline, prime sponsor; William Kreuter, Amnesty International; John Boyland, Sherry Appleton, Jeff Ellis, Washington Association of Criminal Defense Lawyers; Robert Press, Tom McBride, Washington Association of Prosecuting Attorneys; Rev. Hohn Boonstra, Washington Association of Churches; Kevin Glacken-Coley, Detention Ministries; Rozanne Rants, Washington Coalition to Abolish the Death Penalty; Mike Yarrow, Fellowship of Reconciliation; Jerry Sheehan, American Civil Liberties Union; Mona Gilstrap, Fellowship of Reconciliation; Naki Stevens, Olympia Friends Meeting; Dorothy Yountz, Church Women United.