

SENATE BILL REPORT

SB 5787

As of February 22, 2001

Title: An act relating to the death penalty.

Brief Description: Ordering a study of the implementation of the death penalty.

Sponsors: Senators Haugen, Kline, Patterson, Constantine, Kohl-Welles, Fraser, Prentice and Regala.

Brief History:

Committee Activity: Judiciary: 2/22/01.

SENATE COMMITTEE ON JUDICIARY

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.

Summary of Bill: The Washington State Institute for Public Policy (WSIPP) convenes a task force to study the fairness of implementation of the death penalty in Washington. The study will address the concerns raised by the Washington State Bar Association, specifically: (1) the adequacy of funding for counsel provided to defendants; (2) the qualifications required of defense counsel; (3) whether there are systemic problems affecting implementation of the death penalty; (4) whether prosecutorial standards for seeking imposition of the death penalty are consistent statewide and what standards are appropriate; (5) what impact the imposition of the death penalty has on county budgets and what can be done to minimize those impacts; and (6) whether the applicable court rules have been implemented statewide in a consistent and effective manner. The WSIPP reports to the Legislature, Governor, and Supreme Court by June 1, 2002.

The nine-member task force includes: two prosecuting attorneys, two full-time criminal defense counsel, the deans of the three law schools in Washington or their designees, one representative chosen by the Governor, and a former superior court judge chosen by the Chief Justice of the state Supreme Court. Members of the advisory committee are not compensated, but do receive reimbursement for travel expenses. The WSIPP must hire a consultant selected by the committee to design and perform the study.

Appropriation: \$240,000.

Fiscal Note: Not requested.

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