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SENATE BILL 5787

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State of Washington

57th Legislature

2001 Regular Session

By Senators Haugen, Kline, Patterson, Constantine, Kohl-Welles,  
Fraser, Prentice and Regala

Read first time 02/02/2001. Referred to Committee on Judiciary.

1 AN ACT Relating to the death penalty; adding a new section to  
2 chapter 10.95 RCW; making an appropriation; and providing an  
3 expiration date.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 10.95  
6 RCW to read as follows:

7 (1) The Washington state institute for public policy shall  
8 convene an advisory committee to provide oversight for a study of  
9 the fairness of implementation of the death penalty in the state  
10 of Washington. The study shall address the concerns raised by the  
11 American bar association policy of February 3, 1997, and the  
12 resolution of the Washington state bar association on August 4,  
13 2000, specifically:

14 (a) The adequacy of funding for defense counsel for indigent  
15 defendants accused of capital offenses;

16 (b) The qualifications that should be required of defense  
17 counsel in capital cases;

18 (c) Whether there are systemic problems affecting  
19 implementation of the death penalty in Washington;

1 (d) Whether prosecutorial standards or criteria for seeking  
2 imposition of the death penalty are consistent statewide and what  
3 standards are appropriate;

4 (e) What impact the imposition of the death penalty has on  
5 county budgets, particularly in small counties, and what budgetary  
6 steps can be taken to minimize the impacts; and

7 (f) Whether the Special Pleadings Rules (Criminal), issued by  
8 the Washington supreme court in 1997, have been implemented  
9 statewide in a consistent and effective manner.

10 (2) The advisory committee shall be composed of:

11 (a) Two full-time prosecuting attorneys or deputy prosecuting  
12 attorneys appointed by the Washington association of prosecuting  
13 attorneys;

14 (b) Two full-time criminal defense counsel, one appointed by  
15 the Washington association of criminal defense lawyers and one  
16 appointed by the office of public defense;

17 (c) The deans of the three law schools in Washington or their  
18 designees;

19 (d) One representative chosen by the governor; and

20 (e) A former judge of the superior court chosen by the chief  
21 justice.

22 Members of the advisory committee shall serve without  
23 additional compensation, but must be reimbursed for their travel  
24 expenses, in accordance with RCW 43.03.050 and 44.04.120, incurred  
25 while attending meetings of the advisory committee, engaged in  
26 other advisory committee business authorized by the advisory  
27 committee, or going to and coming from advisory committee  
28 meetings.

29 (3) The Washington state institute for public policy shall hire  
30 a consultant, selected by the advisory committee, to design and  
31 perform the study. The consultant shall be an attorney with a  
32 thorough understanding of the roles of prosecution and defense and  
33 possess at least fifteen years' experience in assessing the  
34 provision of criminal defense by both private and public defense  
35 counsel.

36 (4) The Washington state institute for public policy shall make  
37 a report of advisory committee findings, conclusions, and

1 recommendations to the legislature, governor, and supreme court  
2 not later than June 1, 2002.

3 NEW SECTION. **Sec. 2.** The sum of two hundred forty thousand  
4 dollars, or as much thereof as may be necessary, is appropriated  
5 from the general fund to the . . . . . for the fiscal year ending  
6 June 30, 2002, to carry out the purposes of this act. No more  
7 than one hundred fifty-five thousand dollars shall be used to pay  
8 salaries, benefits, and associated costs of staff. A maximum of  
9 eighty thousand dollars may be used for compensation of a  
10 consultant. A maximum of five thousand dollars shall be set aside  
11 for travel and expenses of the advisory board.

12 NEW SECTION. **Sec. 3.** Section 1 of this act expires June 30,  
13 2002.

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