

SENATE BILL REPORT

SB 5476

As of February 16, 2009

Title: An act relating to abolition of the death penalty.

Brief Description: Abolishing the death penalty.

Sponsors: Senators Murray, McDermott, Kline, Regala and Kohl-Welles.

Brief History:

Committee Activity: Judiciary: 2/10/09.

SENATE COMMITTEE ON JUDICIARY

Staff: Brandon Roché (786-7405)

Background: Washington's current death penalty statute was enacted in 1981. Of the 30 people that have been sentenced to death since 1981, four have been executed.

A death sentence may be imposed only against those persons convicted of aggravated first-degree murder and only after a special sentencing proceeding has been held to determine whether the death penalty is warranted. All death sentences must be reviewed, on the record, by the Supreme Court of Washington.

Washington utilizes two methods of execution: lethal injection and hanging. Lethal injection is used unless the inmate under sentence of death chooses hanging as the preferred execution method.

Thirty-seven other states and the federal government have the death penalty. In recent years, the U.S. Supreme Court has banned execution of mentally retarded and juvenile offenders. In addition, the Court has held that a death sentence is only appropriate for murder convictions.

Summary of Bill: The death penalty is abolished in the state of Washington.

Appropriation: None.

Fiscal Note: Available.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: How many cases do we see about prisoners who were subsequently exonerated? There are questions surrounding the humanness of lethal injection and these questions should be more closely examined. Most people would agree that America is a violent country and the death penalty plays a factor in this. Consider violent warfare in Iraq: we fabricate reasons to kill, we have a war on terrorism, we have torture, we come up with waterboarding, and we have the death penalty. My hope is that ending the death penalty will end the cycle of violence. The Washington State Catholic Conference issued a statement calling for the abolition of the death penalty. Concerns include the vastly disproportionate sentence for those whose victims are white. When the desire for vengeance motivates us to condone state-sanctioned killing, we are all worse off.

The death penalty robs precious resources from law enforcement and prosecutors and uses them to prosecute only one case. We need to take the money we spend on the death penalty and put it into victim resources. Victims' families have told me they want answers from the killers, not to have them put to death. The time is ripe to fully discuss this issue. As a member of this community, I need to look back over a decade to see the crimes that people are being put to death for now. Life without parole is an alternative that does not force the community to re-live the crime ten years later.

Persons Testifying: PRO: Senator Murray, prime sponsor; Jack Smith, citizen; Kim Sheley, Washington State Catholic Conference; Jeff Ellis, Washington Coalition to Abolish the Death Penalty; Stefanie Anderson, Amnesty International.