
HOUSE BILL 2754

State of Washington 62nd Legislature 2012 Regular Session

By Representatives Hunt, Appleton, Pollet, Roberts, and Santos

Read first time 01/31/12. Referred to Committee on Judiciary.

1 AN ACT Relating to requiring DNA evidence prior to the imposition
2 of the death penalty; adding new sections to chapter 10.95 RCW;
3 creating new sections; prescribing penalties; and providing an
4 effective date.

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

6 NEW SECTION. **Sec. 1.** This act may be known and cited as the DNA
7 testing act of 2012.

8 NEW SECTION. **Sec. 2.** (1) The legislature finds that:

9 (a) Two hundred eighty people in the United States have been
10 exonerated from death row based on postconviction DNA testing;

11 (b) On May 27, 2005, Texas passed a law stating that all felons
12 must submit a DNA sample;

13 (c) Gary Ridgway, the Green River Killer, was identified as being
14 guilty based on DNA evidence;

15 (d) In Maryland on January 1, 2004, a student senate passed a bill
16 mandating postconviction DNA tests prior to the implementation of the
17 death penalty; and

1 (e) A similar proposal was submitted to the Washington state
2 legislature in 2007 as House Bill No. 1890.

3 (2) The purposes of this act are:

4 (a) To prevent the incarceration or wrongful execution of innocent
5 persons; and

6 (b) To alleviate the financial burden placed on taxpayers during
7 the appeals process of a death sentence for individuals who may be
8 exonerated later.

9 NEW SECTION. **Sec. 3.** A new section is added to chapter 10.95 RCW
10 to read as follows:

11 (1) Except as provided in subsection (2) of this section, the state
12 of Washington may not impose the death penalty upon any person
13 convicted of aggravated first degree murder unless DNA evidence is
14 introduced and assists in the person's conviction.

15 (2) The death penalty may be implemented without DNA evidence if:

16 (a) The defendant has confessed to committing aggravated first
17 degree murder; or

18 (b) There is technological evidence that shows that the defendant
19 committed aggravated first degree murder.

20 NEW SECTION. **Sec. 4.** A new section is added to chapter 10.95 RCW
21 to read as follows:

22 The definitions in this section apply to sections 1 through 3 of
23 this act unless the context clearly requires otherwise.

24 (1) "Accused" means a person against whom a criminal action is
25 brought.

26 (2) "Aggravated first degree murder" has the same meaning as in RCW
27 10.95.020.

28 (3) "Confession" means a written or oral acknowledgment of guilt by
29 a person accused of an offense.

30 (4) "Crime" means a serious violation of public law.

31 (5) "Exonerated" means the freeing or clearing from accusation or
32 guilt.

33 (6) "Implement" means to enforce or fulfill a duty.

34 (7) "Postconviction DNA testing" means DNA testing that convicted
35 persons may request after their conviction.

1 (8) "Show" means to make manifest or apparent or to demonstrate,
2 display evidence, or reveal.

3 (9) "Technological evidence" means advanced or sophisticated
4 devices that furnish proof, including video cameras.

5 NEW SECTION. **Sec. 5.** (1) This act applies to all state law, and
6 the implementation of that law, whether statutory or otherwise, and
7 whether adopted before, on, or after the effective date of this
8 section.

9 (2) Statutory law adopted on or after the effective date of this
10 section is subject to the requirements of this act unless the law
11 explicitly excludes such application by reference to this act.

12 NEW SECTION. **Sec. 6.** Nothing in this act shall be construed to
13 affect, interpret, or in any way change the Constitution of the United
14 States or the Constitution of the state of Washington.

15 NEW SECTION. **Sec. 7.** This act takes effect January 1, 2013.

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