
Public Safety Committee

SB 5339

Brief Description: Reducing criminal justice expenses by eliminating the death penalty and instead requiring life imprisonment without possibility of release or parole as the sentence for aggravated first degree murder.

Sponsors: Senators Carlyle, Walsh, Pedersen, Wellman, Keiser, Liias, Hunt, Kuderer, Nguyen and Saldaña; by request of Attorney General.

<p>Brief Summary of Bill</p> <ul style="list-style-type: none">• Repeals statutes pertaining to the death penalty.

Hearing Date: 2/24/20

Staff: Kelly Leonard (786-7147).

Background:

In 2018 the Washington Supreme Court issued a decision in *State v. Gregory*, 192 Wn.2d 1, 427 P.3d 621, finding that the current death penalty statute is unconstitutional as a result of being imposed in an arbitrary and racially biased manner. The death sentences for the remaining defendants awaiting execution were converted to life in prison without the possibility of release or parole.

Prior to 2018, executions were carried out by lethal injection or, at the election of the condemned person, by hanging. Executions occurred at the Washington State Penitentiary in Walla Walla under the supervision of the Superintendent of the Department of Corrections.

Current statute authorizes a death sentence only against adult defendants convicted of Aggravated First Degree Murder. Aggravated First Degree Murder is premeditated Murder in the first degree when at least one of 14 aggravating circumstances exists. Examples of aggravating circumstances include:

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- the victim was a police officer performing official duties, or a judge, juror, witness, or attorney, and the murder was related to the victim's official duties;
- the murder was committed in the course of, in furtherance of, or in immediate flight from certain crimes, such as Robbery, Rape, or Burglary;
- the murder was committed in exchange for money or to conceal the commission of a crime;
- the person committed the murder to obtain or maintain a position in the hierarchy of an organization; or
- there was more than one victim and the murders were part of a common scheme or plan, or the result of a single act.

As a result of *State v. Gregory*, the only available sentence for an adult defendant convicted of Aggravated First Degree Murder is life in prison without the possibility of release or parole.

Summary of Bill:

The statutory authority and procedures for imposing and carrying out the death penalty are repealed. An adult defendant convicted of Aggravated First Degree Murder must be sentenced to life in prison without the possibility of release or parole.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.