
SENATE BILL 5267

State of Washington

69th Legislature

2025 Regular Session

By Senators Wagoner and Fortunato

Read first time 01/14/25. Referred to Committee on Law & Justice.

1 AN ACT Relating to ensuring that offenders who are incarcerated
2 and commit murder may be charged with the death penalty; adding new
3 sections to chapter 10.95 RCW; and prescribing penalties.

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) If a person is charged with aggravated first degree murder
8 and the murder occurred while the person was already serving a term
9 of incarceration as provided in RCW 10.95.020(2), the prosecuting
10 attorney must forward a request for review along with all relevant
11 materials to the death penalty review panel as provided in section 2
12 of this act for a determination of whether the death penalty should
13 be sought.

14 (2) If a majority of the members of the death penalty review
15 panel recommend pursuing the death penalty, the prosecuting attorney
16 shall file written notice of a special sentencing proceeding to
17 determine whether or not the death penalty should be imposed.

18 (3) The notice of special sentencing proceeding shall be filed
19 and served on the defendant or the defendant's attorney within 30
20 days after the defendant's arraignment upon the charge of aggravated
21 first degree murder unless the court, for good cause shown, extends

1 or reopens the period for filing and service of the notice. Except
2 with the consent of the prosecuting attorney, during the period in
3 which the prosecuting attorney may file the notice of special
4 sentencing proceeding, the defendant may not tender a plea of guilty
5 to the charge of aggravated first degree murder nor may the court
6 accept a plea of guilty to the charge of aggravated first degree
7 murder or any lesser included offense.

8 (4) If a notice of special sentencing proceeding is not filed and
9 served as provided in this section, the prosecuting attorney may not
10 request the death penalty.

11 NEW SECTION. **Sec. 2.** A new section is added to chapter 10.95
12 RCW to read as follows:

13 (1) A death penalty review panel is established. The panel
14 includes the following permanent members:

15 (a) Four prosecuting attorneys recommended by the Washington
16 association of prosecuting attorneys. Urban and rural areas must be
17 equally represented among the prosecuting attorneys;

18 (b) The attorney general, or his or her designee; and

19 (c) The secretary of the department of corrections, or his or her
20 designee.

21 (2) The prosecuting attorney from the county in which the murder
22 occurred shall serve as an ad hoc member of the panel.

23 (3) Upon receipt of a request for review, the attorney general
24 shall convene a meeting of the death penalty review panel. The panel
25 shall review all materials submitted from the prosecuting attorney
26 and any materials submitted by defense counsel and shall make a
27 recommendation as to whether the death penalty should be sought after
28 considering:

29 (a) Whether there are sufficient mitigating circumstances to
30 merit leniency;

31 (b) Whether imposition of the death penalty measurably
32 contributes to the core purposes of retribution and deterrence of
33 capital crimes by prospective offenders; and

34 (c) Whether imposition of the death penalty meets the goal of
35 fairness and consistency in the criminal justice system.

1 (4) The panel shall memorialize its recommendation in a
2 memorandum and submit the recommendation to the prosecuting attorney
3 of the county in which the murder occurred.

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