

# HOUSE BILL REPORT

## HB 2280

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As Passed House:  
February 5, 1996

**Title:** An act relating to the method of execution.

**Brief Description:** Clarifying the method of execution to be used in Washington state.

**Sponsors:** Representatives Hargrove, Chappell, Buck, Pelesky, Goldsmith, McMahan, Hymes, Mulliken, Johnson and Thompson.

**Brief History:**

**Committee Activity:**

Law & Justice: 1/23/96, 1/24/96 [DP].

**Floor Activity:**

Passed House: 2/5/96, 90-6.

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### HOUSE COMMITTEE ON LAW & JUSTICE

**Majority Report:** Do pass. Signed by 17 members: Representatives Sheahan, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Dellwo, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Murray; Robertson; Smith; Sterk and Veloria.

**Staff:** Bill Perry (786-7123).

**Background:** Hanging is the default method of execution under Washington's death penalty law. The method of execution is hanging unless the defendant chooses lethal injection, and only the defendant may choose lethal injection.

The Washington State Supreme Court has held that the death penalty law does not violate constitutional prohibitions against cruel or unusual punishments. However, a federal district court has held that, at least with respect to a defendant weighing in excess of 400 pounds, execution by hanging is unconstitutionally cruel.

Over the past several decades, many states have changed the method of execution to be used in death penalty cases. The United States Supreme Court has held that such changes do not violate constitutional restrictions on the retroactive application of laws. That is, it is permissible for a state to provide for a new method of execution and

have it apply even to defendants who have already been sentenced to death by a different method.

**Summary of Bill:** Lethal injection replaces hanging as the default method of execution. The method of execution is lethal injection unless the defendant chooses hanging, and only the defendant may choose hanging.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** The current law affords too many opportunities for appeal, especially in the federal courts. These appeals may delay the carrying out of a sentence of death to the point of frustrating society's expectations and causing more suffering for the families of victims. The bill will eliminate many appeals.

**Testimony Against:** None.

**Testified:** Representative Hargrove, prime sponsor; Tom McBride, Washington Association of Prosecuting Attorneys (pro); and Christine Gregoire, Attorney General (pro).