

HOUSE BILL REPORT

SB 5500

As Passed House:

March 1, 1996

Title: An act relating to the method of execution.

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

Sponsors: Senators Smith, Long and Gaspard; by request of Attorney General.

Brief History:

Committee Activity:

Law & Justice: 2/16/96, 2/21/96 [DP].

Floor Activity:

Passed House: 3/1/96, 92-5.

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass. Signed by 14 members: Representatives Sheahan, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Dellwo, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Smith and Sterk.

Minority Report: Do not pass. Signed by 2 members: Representatives Murray 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 their 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: Available.

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

Testimony For: The bill will reduce delays and allow carrying out of established public policy. The bill is constitutional and will reduce the number of appeals and the associated cost to the public.

Testimony Against: None.

Testified: Kathleen Mix, Office of the Attorney General (pro).