

SENATE BILL REPORT

HB 2280

As Reported By Senate Committee On:
Law & Justice, February 20, 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: 2/19/96, 2/20/96 [DP].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Haugen, Johnson, Long, Roach and Schow.

Staff: Martin Lovinger (786-7443)

Background: Under current law, when a defendant is sentenced to be executed, the death penalty is carried out by hanging, unless the defendant chooses to be executed by lethal injection. If the defendant refuses to make a choice, the means of execution is hanging.

Death penalty cases usually give rise to lengthy appeals. One argument in these appeals is that hanging is unconstitutional on the basis that it is cruel and unusual punishment. Recently, this issue resulted in a lengthy delay in one Washington case in which a defendant refused to choose between hanging and lethal injection. The issue also is part of the basis for the overturning of the death penalty in another Washington case in which the defendant refused to choose the method of execution. In addition to delaying the execution of defendants sentenced to die, these appeals are very expensive. The cost is paid by taxpayers. It is felt that changing the method of execution will eliminate some of the appeals and some of the delay in carrying out executions.

Summary of Bill: The death penalty is carried out by lethal injection, unless the defendant chooses hanging.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: This bill changes the default method of execution to avoid unnecessary and expensive appeals.

Testimony Against: None.

Testified: Representative Hargrove, prime sponsor; Elaine Rose, Attorney General's office (pro).