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**SUBSTITUTE HOUSE BILL 1276**

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**State of Washington**

**54th Legislature**

**1995 Regular Session**

**By** House Committee on Corrections (originally sponsored by Representatives Ballasiotes, Costa, Mastin, Scott and Morris)

Read first time 02/20/95.

1 AN ACT Relating to execution witnesses; and amending RCW 10.95.185.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

3 **Sec. 1.** RCW 10.95.185 and 1993 c 463 s 2 are each amended to read  
4 as follows:

5 (1) Not less than twenty days prior to a scheduled execution,  
6 judicial officers, media representatives, representatives from the  
7 families of the victims, and representatives from the family of the  
8 defendant who wish to attend and witness the execution, must submit an  
9 application to the superintendent. Such application must designate the  
10 relationship and reason for wishing to attend.

11 (2) Not less than fifteen days prior to the scheduled execution,  
12 the superintendent shall designate the total number of individuals who  
13 will be allowed to attend and witness the planned execution. The  
14 superintendent shall determine the number of witnesses that will be  
15 allowed in each of the following categories:

16 (a) No more than three media representatives.

17 (b) Judicial officers.

18 (c) Representatives (~~from~~) of the families of victims.

19 (d) Representatives from the family of the defendant.

1 After the list is composed, the superintendent shall serve this list on  
2 all parties who have submitted an application pursuant to this section.  
3 The superintendent shall develop and implement procedures to determine  
4 the persons within each of the categories listed in this subsection who  
5 will be allowed to attend and witness the execution.

6 (3) Not less than ten days prior to the scheduled execution, the  
7 superintendent shall file the witness list with the superior court from  
8 which the conviction and death warrant was issued with a petition  
9 asking that the court enter an order certifying this list as a final  
10 order identifying the witnesses to attend the execution. The final  
11 order of the court certifying the witness list shall not be entered  
12 less than five days after the filing of the petition.

13 (4) Unless a show cause petition is filed with the superior court  
14 from which the conviction and death warrant was issued within five days  
15 of the filing of the superintendent's petition, the superintendent's  
16 list, by order of the superior court, becomes final, and no other party  
17 has standing to challenge its appropriateness.

18 (5) In no case may the superintendent or the superior court order  
19 or allow more than seventeen individuals other than required staff to  
20 witness a planned execution.

21 (6) In no case may the superintendent or the superior court order  
22 or allow a person under the age of sixteen years to attend the  
23 execution.

24 (7) All witnesses must adhere to the search and security provisions  
25 of the department of corrections' policy regarding the witnessing of an  
26 execution.

27 ~~((+7))~~ (8) The superior court from which the conviction and death  
28 warrant was issued is the exclusive court for seeking judicial process  
29 for the privilege of attending and witnessing an execution.

30 ~~((+8))~~ (9) For purposes of this section:

31 (a) "Judicial officer" means: (i) The superior court judge who  
32 signed the death warrant issued pursuant to RCW 10.95.160 for the  
33 execution of the individual, (ii) the current prosecuting attorney or  
34 deputy prosecuting attorney of the county from which the final judgment  
35 and sentence and death warrant were issued, ~~((and))~~ (iii) the most  
36 recent attorney of record representing the individual sentenced to  
37 death, and (iv) the investigating law enforcement officers.

38 (b) "Media representatives" means representative members of all  
39 forms of media.

1       (c) "Representatives (~~((from the family of the victim" means a~~  
2 ~~representative from the immediate family of a victim))~~ of the families  
3 of victims" means representatives of the immediate families of the  
4 victim(s) of the individual sentenced to death.

5       (d) "Representative from the family of the defendant" means a  
6 representative from the immediate family of the individual sentenced to  
7 death.

8       (e) "Superintendent" means the superintendent of the Washington  
9 state penitentiary.

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