

FINAL BILL REPORT

SB 5093

FULL VETO

As Passed Legislature

Brief Description: Prescribing procedures for capital punishment sentencing.

Sponsors: Senator Roach.

Senate Committee on Law & Justice

House Committee on Law & Justice

Background: When a defendant has been convicted of aggravated first-degree murder and sentenced to death, the Supreme Court is required to review the sentence. This review is in addition to any other appeal that may be available to the defendant. The court is to determine, among other things, whether the sentence is "excessive" or "disproportionate" when compared to similar cases.

The state Supreme Court has held that the death penalty is not disproportionate in a given case if death sentences have generally been imposed in similar cases and its imposition is not wanton or freakish. *State v. Rupe*, 108 Wn.2d 735 (1987). The court has also remarked:

No question of statutory interpretation has received more careful consideration than what this [excessiveness and proportionality comparison] means and how to best give it effect. We have acknowledged the statute often requires "the comparison of incomparables," and the task is, at times, a "struggle." *State v. Pirkle*, 127 Wn.2d 628 (1995).

The U.S. Supreme Court has held that proportionality reviews in death penalty cases are not constitutionally required. *Pulley v. Harris*, 79 L. Ed. 2d 29 (1984).

Summary: The requirement that the state Supreme Court review a sentence of death for excessiveness or disproportionality is removed.

Votes on Final Passage:

Senate 33 15

House 73 21