

# SENATE BILL REPORT

## SB 5694

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As of February 7, 1997

**Title:** An act relating to capital punishment.

**Brief Description:** Allowing defendants age sixteen and older to be sentenced to death.

**Sponsors:** Senators Roach, McCaslin, Oke, Sellar, Zarelli, Benton, Schow, Swecker, Finkbeiner, Strannigan, Wood and McDonald.

**Brief History:**

**Committee Activity:** Law & Justice: 2/10/97.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Staff:** Martin Lovinger (786-7443)

**Background:** Some studies have shown that the amount and the seriousness of violent crime committed by young people has increased significantly over the past ten years. It is felt that the appropriate response is to increase the penalty for such crimes in order to prevent future violent crimes and achieve some level of justice for the victims and their families.

In 1993, the Washington Supreme Court held in *State v. Furman*, 122 Wn.2d 440, that state statutes do not authorize the death penalty for defendants 16 and 17 years old. They specifically cited the juvenile declination statute and the death penalty statute. The court also stated that the United States Supreme Court has found that there is no prohibition under the U.S. Constitution against imposing the death penalty on people who were 16 or 17 when their crimes were committed.

In 1994, the Legislature gave exclusive original jurisdiction over 16 and 17 year olds to adult criminal courts when the alleged offense is a serious violent offense. Serious violent offenses include first degree murder. The only crime punishable by the death penalty in Washington is aggravated first degree murder.

**Summary of Bill:** Persons 16 years or older can be sentenced to death.

**Appropriation:** None.

**Fiscal Note:** Requested on February 7, 1997.

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