
HOUSE BILL 1394

State of Washington

55th Legislature

1997 Regular Session

By Representatives Blalock, Costa, Radcliff, O'Brien and Skinner

Read first time 01/24/97. Referred to Committee on Criminal Justice & Corrections.

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, law enforcement representatives, media
7 representatives, representatives from the families of the victims, and
8 representatives from the family of the defendant who wish to attend and
9 witness the execution, must submit an application to the
10 superintendent. Such application must designate the relationship and
11 reason for wishing to attend.

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

17 (a) No more than five media representatives, unless additional
18 space or spaces remain available after selection of all eligible
19 witnesses from the other four categories.

1 (b) Judicial officers.

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

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

4 (e) Up to two law enforcement representatives, unless additional
5 space or spaces remain available after selection of all eligible
6 witnesses from representatives of the families of victims. The chief
7 law enforcement officer of the jurisdiction where the crime was
8 committed shall be responsible for designating the law enforcement
9 representatives.

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

15 (3) Not less than ten days prior to the scheduled execution, the
16 superintendent shall file the witness list with the superior court from
17 which the conviction and death warrant was issued with a petition
18 asking that the court enter an order certifying this list as a final
19 order identifying the witnesses to attend the execution. The final
20 order of the court certifying the witness list shall not be entered
21 less than five days after the filing of the petition.

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

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

30 (6) All witnesses must adhere to the search and security provisions
31 of the department of corrections' policy regarding the witnessing of an
32 execution.

33 (7) The superior court from which the conviction and death warrant
34 was issued is the exclusive court for seeking judicial process for the
35 privilege of attending and witnessing an execution.

36 (8) For purposes of this section:

37 (a) "Judicial officer" means: (i) The superior court judge who
38 signed the death warrant issued pursuant to RCW 10.95.160 for the
39 execution of the individual, (ii) the current prosecuting attorney or

1 deputy prosecuting attorney of the county from which the final judgment
2 and sentence and death warrant were issued, and (iii) the most recent
3 attorney of record representing the individual sentenced to death.

4 (b) "Law enforcement representatives" means (i) the chief law
5 enforcement officer of the jurisdiction where the crime was committed;
6 and (ii) those law enforcement officers responsible for investigating
7 the crime for which the defendant was sentenced to death.

8 (c) "Media representatives" means representative members of all
9 forms of media.

10 ~~((c))~~ (d) ~~"Representatives ((from the family of the victim" means~~
11 ~~a representative from the immediate family of a victim))~~ of the
12 families of victims" means representatives of the immediate families of
13 the victim(s) of the individual sentenced to death, including victim
14 advocates of the immediate family members.

15 ~~((d))~~ (e) "Representative from the family of the defendant" means
16 a representative from the immediate family of the individual sentenced
17 to death.

18 ~~((e))~~ (f) "Superintendent" means the superintendent of the
19 Washington state penitentiary.

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