

5093

Sponsor(s): Senator Roach

Brief Title: Prescribing procedures for capital punishment sentencing.

**SB 5093 - DIGEST**

(DIGEST AS PASSED LEGISLATURE)

Revises RCW 10.95.130 to delete the authorization for the supreme court to review whether a sentence of death is excessive or disproportionate to the penalty imposed in similar cases, considering both the crime and the defendant.

VETO MESSAGE ON SB 5093

April 24, 1997

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval, Senate Bill No. 5093 entitled:

"AN ACT Relating to capital punishment sentencing;"

This legislation would have repealed the requirement that the state supreme court, in its mandatory sentence review in capital punishment cases, conduct a "proportionality review". The proportionality review is a determination whether the sentence of death is excessive or disproportionate to the penalty imposed in similar cases, considering both the crime and the defendant.

The purpose of the proportionality review is to ensure that death sentences are imposed evenhandedly across the state, and not "arbitrarily or freakishly", or based on race. I am a strong supporter of the death penalty. However, I am also a strong supporter of fairness. The proportionality review has not yet resulted in the reversal of any death sentences. Nonetheless, I believe that it is an important safeguard.

For these reasons, I have vetoed Senate Bill No. 5093 in its entirety.

Respectfully submitted,  
Gary Locke  
Governor