

HOUSE BILL ANALYSIS

SSB 5513

Title: An act relating to execution witnesses.

Brief Description: Augmenting provisions for execution witnesses.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Costa, Long, Franklin, Zarelli, Heavey, Hargrove, T. Sheldon, Rossi and Shin).

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

Staff: Yvonne Walker (786-7841).

Background:

The execution of an inmate under a death sentence is carried out at the state penitentiary in Walla Walla. The execution may be witnessed by a number of different groups such as: media representatives, various judicial officers, representatives from the families of the victims, and representatives from the inmate's family.

Current law sets out the procedure for determining which individuals from these eligible groups will be allowed to witness the execution. An eligible person may apply for permission to be a witness. The superintendent of the penitentiary reviews the applications and decides which individuals may attend. The superintendent's decision may be challenged through a court action.

The superintendent may allow no more than 17 witnesses to the execution, excluding the staff needed to carry out the execution. There is no limit to the number of media representatives who may attend an inmate execution. In addition, a victim's family may be represented by an immediate family member; however, the law is unclear whether more than one family member may attend.

Law enforcement officers are excluded from the list of eligible witnesses who may watch a death sentence being carried out.

The term *judicial officer* refers to the judge who signed the death warrant, the elected prosecuting attorney whose office prosecuted the death penalty case, and the inmate's most recent attorney.

Summary:

The list of witnesses who may attend an inmate execution is expanded to include a maximum of two law enforcement officers, chosen by the chief law enforcement officer, and who were responsible for investigating the associated criminal case. In addition, no less than five representatives from the media can be designated as witnesses. Consideration must be given to those media representatives who serve the communities that were affected by the crimes or by the actual commission of the execution of the inmate.

The term law enforcement representatives– includes those law enforcement officers that were responsible for investigating the crime for which the defendant was sentenced to death.

The term judicial officer– is expanded to include a deputy prosecuting attorney from the county where the inmate’s final judgement, sentence, and death warrant were issued by the superior court. The deputy prosecuting attorney may attend the execution instead of the elected prosecuting attorney.

Families of victims may be represented by a person other than an immediate family member including a victim advocate of the victim’s family. Families of victims may have more than one representative attend.

Fiscal Note: Requested on March 17, 1999.

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

Office of Program Research