

# HOUSE BILL REPORT

## SSB 5513

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**As Passed House - Amended:**

April 7, 1999

**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).

**Brief History:**

**Committee Activity:**

Criminal Justice & Corrections: 3/23/99, 3/31/99 [DP].

**Floor Activity:**

Passed House - Amended: 4/7/99, 79-11.

<p><b>Brief Summary of Substitute Bill</b></p> <ul style="list-style-type: none"><li>· Expands the list of witnesses who may attend an inmate execution.</li></ul>
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### HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

**Majority Report:** Do pass. Signed by 7 members: Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine and Koster.

**Minority Report:** Without recommendation. Signed by 1 member: Representative Kagi.

**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.

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### **Summary of Bill:**

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 executive officer of the agency that was 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.

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**Appropriation:** None.

**Fiscal Note:** Requested on March 17, 1999.

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

**Testimony For:** Due to the limited capacity size of the viewing room and the number of media representatives that are allowed to witness and report on the past executions, many victim family members, victim advocates, and even the law enforcement officers who were in charge of investigating this particular case, have many times been denied access to the execution. This bill will limit the media representatives, thereby allowing a family member of the victim to have more than one family member present, as well as a victim advocate of the family, if they so choose, for moral support.

This bill will continue to allow media representatives to witness an execution and to report to the public their story. It should be noted that offenders are not only executed for the victim, but also for the public and the community where the crime took place to ensure public safety in the future.

**Testimony Against:** None.

**Testified:** Senator Costa, prime sponsor; Bobbi Costa, Families and Friends of Violent Crime Victims and on behalf of Lorene Ahlers Iverson; and Rowland Thompson, Allied Daily Newspapers of Washington.