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HOUSE BILL 2489

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State of Washington                      52nd Legislature                      1992 Regular Session

By Representatives Schmidt, Neher, Mitchell and May

Read first time 01/17/92. Referred to Committee on Judiciary.

1            AN ACT Relating to method of execution; amending RCW 10.95.180; and  
2    prescribing penalties.

3    BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            **Sec. 1.** RCW 10.95.180 and 1986 c 194 s 1 are each amended to read  
5    as follows:

6            (1) For any defendant sentenced to death for a crime committed  
7    before the effective date of this act, the punishment of death shall be  
8    supervised by the superintendent of the penitentiary and shall be  
9    inflicted ~~((either by hanging by the neck or, at the election of the~~  
10 ~~defendant,))~~ by intravenous injection of a substance or substances in  
11 a lethal quantity sufficient to cause death and until the defendant is  
12 dead, or at the election of the defendant by hanging by the neck until  
13 the defendant is dead. In any case, death shall be pronounced by a  
14 licensed physician.

1       (2) For any defendant sentenced to death for a crime committed on  
2 or after the effective date of this act, the punishment of death shall  
3 be supervised by the superintendent of the penitentiary and shall be  
4 inflicted by intravenous injection of a substance or substances in a  
5 lethal quantity sufficient to cause death and until the defendant is  
6 dead. In the event execution by lethal injection is held invalid or  
7 unconstitutional by a court of competent jurisdiction, the method of  
8 execution shall be hanging by the neck until the defendant is dead.

9       (3) All executions, for both men and women, shall be carried out  
10 within the walls of the state penitentiary.

11       (4) If any provision of this section or its application to any  
12 person is held invalid, the remainder of this section, or the  
13 application of the provision to other persons or circumstances, is not  
14 affected.