

SENATE BILL REPORT

SHB 1276

As Reported By Senate Committee On:
Human Services & Corrections, February 23, 1996

Title: An act relating to execution witnesses.

Brief Description: Specifying who may be an execution witness.

Sponsors: House Committee on Corrections (originally sponsored by Representatives Ballasiotes, Costa, Mastin, Scott and Morris).

Brief History:

Committee Activity: Human Services & Corrections: 3/30/95 [DPA, DNP]; 2/14/96, 2/23/97 [DPA, DNPA].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass as amended.

Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Schow, Thibaudeau and Zarelli.

Minority Report: Do not pass as amended.

Signed by Senator Prentice.

Staff: Andrea McNamara (786-7483)

Background: Executions of offenders sentenced to death are carried out at the Walla Walla State Penitentiary.

Executions may be witnessed by up to 17 people, other than the staff necessary to carry out the execution. Current law specifies that individuals may apply to attend an execution if they qualify under one of the following categories: (1) certain judicial officers; (2) media representatives; (3) representatives of the family of the victim(s); or, (4) representatives of the defendant's family. Each of these categories is defined in the current law.

The superintendent of the penitentiary reviews all applications and, using established procedures, selects individuals from each category who may attend the execution. The superintendent's decision must be filed with the sentencing court and may be challenged through a petition process.

Current law does not clearly specify how many people may attend from each category: no limits are placed on the number of media representatives who may attend, and it is unclear whether more than one member of the victim's family may attend.

Summary of Amended Bill: The minimum age of an execution witness is set at 18.

The number of media representatives is set at five. Additional media may be selected if more space is available after selection of the witnesses from all other categories. At least one of the media representatives must be from a local newspaper where the crime occurred.

An additional category of eligible witnesses is created and defined to include the chief law enforcement officer and the investigating officers responsible for the defendant's case. Up to two "law enforcement representatives" may attend. The chief law enforcement officer from the jurisdiction where the crime was committed is responsible for designating the law enforcement representatives.

Representatives of the families of the victims and the family of the defendant may include one or more persons either from or requested by the immediate family members of the victim(s) and the immediate family members of the defendant.

Amended Bill Compared to Substitute Bill: The minimum age of an execution witness is changed from 16 to 18. The number of media representatives is increased from three to five, and the requirement that a local newspaper be represented is added. The new category of law enforcement representatives is added and defined. The individuals who are eligible to represent the families of the victims and the family of the defendant are clarified and expanded.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: The law needs to be clarified to ensure that family members of the victims may have more than one representative present if they so choose. They should also be allowed to request non-family members be present with them or in their place under certain circumstances. The media has taken up the majority of the witness's seats at the last two executions.

Testimony Against: Under current policy, media representatives are only selected after selection of all other witnesses: they do not displace family representatives. Executions are public events about which the media has both a right and an obligation to report. Allowing victim representatives other than from the immediate families of victims may result in undue or inappropriate pressure being put on family members by people who want to attend in their place. Authorizing witnesses as young as 16 would be inappropriate and is inconsistent with current department policy prohibiting children from entering any part of the institution other than visiting rooms.

Testified: Representative Ida Ballasiotes, original prime sponsor; Rowland Thompson, Allied Daily Newspapers; Diana Kramer, Washington Newspaper Publishers Association.