

# SENATE BILL REPORT

## SB 5500

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As Passed Senate, February 2, 1996

**Title:** An act relating to the method of execution.

**Brief Description:** Clarifying the method of execution to be used in Washington state.

**Sponsors:** Senators Smith, Long and Gaspard; by request of Attorney General.

**Brief History:**

**Committee Activity:** Law & Justice: 2/7/95, 2/15/95 [DP, DNP]; 1/11/96 [DP].  
Passed Senate, 3/13/95, 45-3; 2/2/96, 45-3.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** Do pass.

Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

**Staff:** Martin Lovinger (786-7443)

**Background:** Under current law, when a defendant is sentenced to be executed, the death penalty is carried out by hanging, unless the defendant chooses to be executed by lethal injection. If the defendant refuses to make a choice, the means of execution is hanging.

Death penalty cases usually give rise to lengthy appeals. One argument in these appeals is that hanging is unconstitutional on the basis that it is cruel and unusual punishment. Recently, this issue resulted in a lengthy delay in one Washington case in which a defendant refused to choose between hanging and lethal injection. The issue also is part of the basis for the overturning of the death penalty in another Washington case in which the defendant refused to choose the method of execution. In addition to delaying the execution of defendants sentenced to die, these appeals are very expensive. The cost is paid by taxpayers. It is felt that changing the method of execution will eliminate some of the appeals and some of the delay in carrying out executions.

**Summary of Bill:** The death penalty is carried out by lethal injection, unless the defendant chooses hanging.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** The bill closes a loophole that has resulted in huge costs for taxpayers, long delays of executions, and delayed closure for the families of murder victims. The

public supports fair death row appeals, not frivolous appeals. Hanging is far more susceptible to appeal than lethal injection, because it involves such varying factors as the weight of the defendant, rope size, length of drop, etc. Lethal injection allows finite appeals. Hanging allows infinite appeals. Changing the method of execution is not an ex post facto law, because the quantum of punishment does not change. Execution is important for the closure of the issue for the victim's families. The method of execution is not important to the families of the victims. Washington is out there alone in defending hanging as the primary form of execution.

**Testimony Against:** None.

**Testified:** Christine Gregoire, Attorney General (pro); Karil S. Klingbeil, relative of murder victim (pro).