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SENATE BILL 5513

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State of Washington

56th Legislature

1999 Regular Session

By Senators Costa, Long, Franklin, Zarelli, Heavey, Hargrove,  
T. Sheldon, Rossi and Shin

Read first time 01/26/1999. Referred to Committee on Judiciary.

1 AN ACT Relating to execution witnesses; and amending RCW 10.95.185.

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

3 **Sec. 1.** RCW 10.95.185 and 1993 c 463 s 2 are each amended to read  
4 as follows:

5 (1) Not less than twenty days prior to a scheduled execution,  
6 judicial officers, law enforcement representatives, media  
7 representatives, representatives ((from)) of the families of the  
8 victims, and representatives from the family of the defendant who wish  
9 to attend and witness the execution, must submit an application to the  
10 superintendent. Such application must designate the relationship and  
11 reason for wishing to attend.

12 (2) Not less than fifteen days prior to the scheduled execution,  
13 the superintendent shall designate the total number of individuals who  
14 will be allowed to attend and witness the planned execution. The  
15 superintendent shall determine the number of witnesses that will be  
16 allowed in each of the following categories:

17 (a) Five media representatives, unless additional space remains  
18 available after selection of all eligible witnesses from the other four  
19 categories.

1 (b) Judicial officers.

2 (c) Representatives (~~from~~) of the families of the victims.

3 (d) Representatives from the family of the defendant.

4 (e) Up to two law enforcement representatives. The chief law  
5 enforcement officer of the jurisdiction where the crime was committed  
6 shall designate the law enforcement representatives.

7 After the list is composed, the superintendent shall serve this list on  
8 all parties who have submitted an application pursuant to this section.  
9 The superintendent shall develop and implement procedures to determine  
10 the persons within each of the categories listed in this subsection who  
11 will be allowed to attend and witness the execution.

12 (3) Not less than ten days prior to the scheduled execution, the  
13 superintendent shall file the witness list with the superior court from  
14 which the conviction and death warrant was issued with a petition  
15 asking that the court enter an order certifying this list as a final  
16 order identifying the witnesses to attend the execution. The final  
17 order of the court certifying the witness list shall not be entered  
18 less than five days after the filing of the petition.

19 (4) Unless a show cause petition is filed with the superior court  
20 from which the conviction and death warrant was issued within five days  
21 of the filing of the superintendent's petition, the superintendent's  
22 list, by order of the superior court, becomes final, and no other party  
23 has standing to challenge its appropriateness.

24 (5) In no case may the superintendent or the superior court order  
25 or allow more than seventeen individuals other than required staff to  
26 witness a planned execution.

27 (6) All witnesses must adhere to the search and security provisions  
28 of the department of corrections' policy regarding the witnessing of an  
29 execution.

30 (7) The superior court from which the conviction and death warrant  
31 was issued is the exclusive court for seeking judicial process for the  
32 privilege of attending and witnessing an execution.

33 (8) For purposes of this section:

34 (a) "Judicial officer" means: (i) The superior court judge who  
35 signed the death warrant issued pursuant to RCW 10.95.160 for the  
36 execution of the individual, (ii) the current prosecuting attorney or  
37 a deputy prosecuting attorney of the county from which the final  
38 judgment and sentence and death warrant were issued, and (iii) the most

1 recent attorney of record representing the individual sentenced to  
2 death.

3 (b) "Law enforcement representatives" means (i) the chief law  
4 enforcement officer of the jurisdiction where the crime was committed;  
5 and (ii) those law enforcement officers responsible for investigating  
6 the crime for which the defendant was sentenced to death.

7 (c) "Media representatives" means representative members of all  
8 forms of media.

9 ~~((c))~~ (d) "Representatives ~~((from the family of the victim" means~~  
10 a representative from the immediate family of a victim)) of the  
11 families of the victims" means representatives from the immediate  
12 families of the victim(s) of the individual sentenced to death,  
13 including victim advocates of the immediate family members. Victim  
14 advocates shall include any person working or volunteering for a  
15 recognized victim advocacy group or a prosecutor-based or law  
16 enforcement-based agency on behalf of victims or witnesses.

17 ~~((d))~~ (e) "Representative from the family of the defendant" means  
18 a representative from the immediate family of the individual sentenced  
19 to death.

20 ~~((e))~~ (f) "Superintendent" means the superintendent of the  
21 Washington state penitentiary.

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