

SENATE BILL REPORT

ESB 5151

AS PASSED SENATE, FEBRUARY 10, 1992

Brief Description: Requiring that the death penalty be carried out by lethal injection.

SPONSORS: Senators Hayner, Niemi, Thorsness, Nelson and Roach; by request of Department of Corrections.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, Madsen, Newhouse, Rasmussen, and A. Smith.

Staff: Jack Brummel (786-7428)

Hearing Dates: February 6, 1991; February 27, 1991

BACKGROUND:

The sentence for aggravated first degree murder in Washington is death when there are not sufficient mitigating circumstances to merit leniency. The punishment of death is inflicted either by hanging by the neck or, at the election of the defendant, by lethal injection.

Washington, Delaware and Montana are the only states that provide for execution by hanging. The last execution in Washington occurred in 1963. The other two states have not had executions since the 1940s. Corrections officials have had trouble finding individuals with sufficient experience to carry out hangings.

SUMMARY:

Lethal injection is made the exclusive method of execution for defendants who commit capital offenses after the effective date of this act. If, however, lethal injection is invalidated by the courts, then hanging will become the method of execution.

For defendants who have committed or will commit a capital offense before the effective date of this act, the presumption regarding the method of execution is reversed. Lethal injection will be the method of execution unless the condemned person chooses hanging.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

There is unnecessary expense in maintaining two methods of execution.

TESTIMONY AGAINST:

State sanctioned homicide, no matter how carried out, is violent and brutal. The bill's an attempt to sanitize killing.

TESTIFIED: Larry Kincheloe, Department of Corrections (pro); Mike Redman, Washington Association of Prosecuting Attorneys (pro); F.K. Bentler, Washington Correctional Association (pro); Father John Pinette, WA Council of Churches; Kathleen Mix, Office of the Attorney General