

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1912

53rd Legislature
1993 Regular Session

Passed by the House April 21, 1993
Yeas 92 Nays 2

**Speaker of the
House of Representatives**

Passed by the Senate April 16, 1993
Yeas 43 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1912** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1912

AS AMENDED BY THE SENATE

Passed Legislature - 1993 Regular Session

State of Washington 53rd Legislature 1993 Regular Session

By House Committee on Corrections (originally sponsored by Representatives Morris and Long)

Read first time 03/03/93.

1 AN ACT Relating to the department of corrections establishing
2 guidelines for allowing witnesses at an execution; adding a new section
3 to chapter 10.95 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature declares that, to the extent
6 that the attendance of witnesses can be accommodated without
7 compromising the security or the orderly operation of the Washington
8 state penitentiary, it is the policy of the state of Washington to
9 provide authorized individuals the opportunity to attend and witness
10 the execution of an individual sentenced to death pursuant to chapter
11 10.95 RCW. Further, it is the policy of the state of Washington to
12 provide for access to the execution to credentialed members of the
13 media.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 10.95 RCW
15 to read as follows:

16 (1) Not less than twenty days prior to a scheduled execution,
17 judicial officers, media representatives, representatives from the
18 families of the victims, and representatives from the family of the

1 defendant who wish to attend and witness the execution, must submit an
2 application to the superintendent. Such application must designate the
3 relationship and reason for wishing to attend.

4 (2) Not less than fifteen days prior to the scheduled execution,
5 the superintendent shall designate the total number of individuals who
6 will be allowed to attend and witness the planned execution. The
7 superintendent shall determine the number of witnesses that will be
8 allowed in each of the following categories:

9 (a) Media representatives.

10 (b) Judicial officers.

11 (c) Representatives from the families of victims.

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

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

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

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

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

33 (6) All witnesses must adhere to the search and security provisions
34 of the department of corrections' policy regarding the witnessing of an
35 execution.

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

39 (8) For purposes of this section:

1 (a) "Judicial officer" means: (i) The superior court judge who
2 signed the death warrant issued pursuant to RCW 10.95.160 for the
3 execution of the individual, (ii) the current prosecuting attorney of
4 the county from which the final judgment and sentence and death warrant
5 were issued, and (iii) the most recent attorney of record representing
6 the individual sentenced to death.

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

9 (c) "Representative from the family of the victim" means a
10 representative from the immediate family of a victim of the individual
11 sentenced to death.

12 (d) "Representative from the family of the defendant" means a
13 representative from the immediate family of the individual sentenced to
14 death.

15 (e) "Superintendent" means the superintendent of the Washington
16 state penitentiary.

17 NEW SECTION. **Sec. 3.** If any provision of this act or its
18 application to any person or circumstance is held invalid, the
19 remainder of the act or the application of the provision to other
20 persons or circumstances is not affected.

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