

CERTIFICATION OF ENROLLMENT
SUBSTITUTE SENATE BILL 5513

Chapter 332, Laws of 1999

56th Legislature
1999 Regular Session

EXECUTION WITNESSES

EFFECTIVE DATE: 7/25/99

Passed by the Senate April 21, 1999
YEAS 43 NAYS 1

BRAD OWEN
President of the Senate

Passed by the House April 7, 1999
YEAS 79 NAYS 11

CLYDE BALLARD
**Speaker of the
House of Representatives**

FRANK CHOPP
**Speaker of the
House of Representatives**

Approved May 14, 1999

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5513** as passed by the Senate and the House of Representatives on the dates hereon set forth.

TONY M. COOK
Secretary

FILED

May 14, 1999 - 6:42 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5513

AS AMENDED BY THE HOUSE

Passed Legislature - 1999 Regular Session

State of Washington 56th Legislature 1999 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Costa, Long, Franklin, Zarelli, Heavey, Hargrove, T. Sheldon, Rossi and Shin)

Read first time 03/01/1999.

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) No less than five media representatives with consideration to
18 be given to news organizations serving communities affected by the
19 crimes or by the commission of the execution of the defendant.

- 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 executive
5 officer of the agency that investigated the crime shall designate the
6 law enforcement representatives.

7 After the list is composed, the superintendent shall serve this
8 list on all parties who have submitted an application pursuant to this
9 section. The superintendent shall develop and implement procedures to
10 determine the persons within each of the categories listed in this
11 subsection who 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 those law enforcement
4 officers responsible for investigating the crime for which the
5 defendant was sentenced to death.

6 (c) "Media representatives" means representatives ((members)) from
7 news organizations of all forms of media serving the state.

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

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

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

Passed the Senate April 21, 1999.

Passed the House April 7, 1999.

Approved by the Governor May 14, 1999.

Filed in Office of Secretary of State May 14, 1999.