

WASHINGTON

STATISTICAL INFORMATION

Current Governor: Christine Gregoire
Term of Office: Jan. 2005-Jan. 2009

Legislative Term: Jan. - Mar.

Total Inmate Pop.

(As of 3/31/05): 17,422 **White: 71.5%** **Black: 20.6%** **Latino/a: 9.7%** **Other: 1.1%**

Death Row Pop.

(As of 6/28/05): 11 **White: 6** **Black: 5** **Latino/a: 0** **Other: 0**

EXECUTIONS:

Since 1976: 4 **White: 4** **Black: 0** **Latino/a: 0** **Other: 0**
(As of 6/28/05)

Carried out in 2003: 0

Carried out in 2004: 0

Carried out in 2005: 0 **Scheduled for 2005:** 0
As of (6/28/05)

INMATES REMOVED FROM DEATH ROW BETWEEN 1973 AND 2005 *(does not include those executed by the state or those who died of natural causes) :*

Total Number: 17

Sentence/Conviction overturned (minus exoneration): 16

Sentence reduced: 0

Exoneration: 1
(As of 3/15/05)

Other: 0

RELATED STATUTORY PROVISIONS:

Life without Parole: yes

Prohibits the execution of juvenile offenders: yes

Prohibits the execution of mentally retarded offenders: yes

Prohibits the execution of mentally ill offenders: no

CURRENT STATUS OF THE MORATORIUM:

Moratorium: no

Study: no

HISTORY OF LEGISLATION ADDRESSING ABA ISSUES

Moratorium/Study: Current: 2005: One bill failed that would abolish the death penalty (HB2025, SB6067).

Previous Years: 2003: One bill died which would have provided for a moratorium until July 1, 2005; creates a task force to study the death penalty (SB5635). 2001-02 : One bill introduced would have placed a moratorium on executions and created a task force to study the death penalty (HB1647); One bill introduced would have required the Washington State Institute for Public Policy to convene an advisory committee to provide oversight for a study of the fairness of implementation of the death penalty in the state, including concerns raised by the ABA's moratorium resolution of 1997 and the Washington State Bar Association of 2000 (SB5787); One bill would have created a task force to study the death penalty (HB1648). 2000 : Two bills introduced would have created a task force to study the state death penalty system.

Capital Offenses and Procedures:

Current: None.

Previous Years: None.

Aggravating and Mitigating Circumstances:

Current: None

Previous Years: 2004 : One bill failed which would have eliminated requirement that multiple murders be connected or schemed for them to be considered aggravated charges (HB2389).

DNA Testing and Preservation of Material Evidence:

Current: 2005: Two bills signed into effect by the Governor revise the DNA testing provision (HB1014, SB5003). Another two bills failed expanding the DNA identification system (HB1135, SB5165).

Previous Years: 2004: Two bills died which would have revised the provision on DNA testing by allowing an individual who has been convicted of a felony, serving a time of imprisonment, and has been denied post conviction DNA testing to submit a request for DNA testing to the Office of the Public Defender (SB6447, HB2872). 2003: The Governor signed into effect a bill that provides that, on or before December 31, 2004, a person who has been convicted of a felony and is currently serving a term of imprisonment and who has been denied post-conviction DNA testing may submit a request to the state Office of Public Defense, which will transmit the request to the county prosecutor in the county where the conviction was obtained; on and after January 1, 2005, a person must raise the DNA issues at trial or on appeal; directs the prosecutor to inform the requestor and the state Office of Public Defense of the decision, and shall, in the case of an adverse decision, advise the requestor of appeals rights (HB1391, SB5723, died).

Crime Labs and Medical Examiner Offices:

Current: None.

Previous Years: None.

Counsel
Qualifications,
Training, and
Competency:

Current: None.

Previous Years: 2001-02 : One bill introduced would have created a capital defense assistance center to assist and train trial and appellate defense lawyers in capital cases (SB5881).

Counsel
Compensation:

Current: None.

Previous Years: None.

Judges and Juries:

Current: None.

Previous Years: None.

Racial and Ethnic
Minorities:

Current: None.

Previous Years: None.

Juvenile Offenders:

Current: None.

Previous Years: None.

Mental Retardation,
Mental Disability and
Mental Competency:

Current: None.

Previous Years: 2003: One bill died which would have exempt persons who are mentally ill or developmentally disabled from the death penalty (HB1911).

Special Notes-
Consultation with
Victim's Family Prior
to Plea Bargain:

Current: None

Previous Years: 2004: One bill failed which would have proscribed that the victim or his/her representative have the right to be notified about a possible plea agreement and may express their views on the plea agreement. Required the court to take into consideration the views of the victim or representative when entering into a plea agreement (HB2311). Another bill, which would have clarified HB2311 by specifically stating that the "prosecutor", not the court, should take into account the victim's views when entering into a plea agreement (HB2312).

Special Notes: **Current: None**
Procedural
Restrictions:

Previous Years: 2004 : One bill that failed would have limited collateral attack in criminal cases by proscribing that a convict has no constitutional right to challenge a facially valid judgment that was not appealed or was upheld on direct appeal (HB2390)

Special Notes: **Current: 2005: One bill signed into effect by the Governor provides indigent defense services (2SHB1542).**

Previous Years: 2004 : One bill died, which Provided that the state should not be required to provide or pay for health care services not otherwise constitutionally required for inmates who have had final disposition of at least one appeal and are under a sentence of death or whose death sentence is under additional appellate review (HB1405). One bill died that prohibited plea bargains in multiple murder cases as the plea bargains deny justice to the victims, their families, and the community at large (HB2315).

STATE AND LOCAL GOVERNMENTS AND LEGAL ORGANIZATIONS THAT HAVE PASSED MORATORIUM RESOLUTIONS

Washington State Bar Association, August 4, 2000*

* The Washington State Bar Association has not called for a moratorium *per se* , but for a death penalty system review.

****Last Updated on June 30, 2005**