

CHAPTER 263

[House Bill No. 2714]

DEATH SENTENCES—EXECUTION DATES

AN ACT Relating to execution dates; and amending RCW 10.95.160 and 10.95.200.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 16, chapter 138, Laws of 1981 and RCW 10.95.160 are each amended to read as follows:

(1) If a death sentence is affirmed and the case remanded to the trial court as provided in RCW 10.95.140(2), a death warrant shall forthwith be issued by the clerk of the trial court, which shall be signed by a judge of the trial court and attested by the clerk thereof under the seal of the court. The warrant shall be directed to the superintendent of the state penitentiary and shall state the conviction of the person named therein and the judgment and sentence of the court, and shall appoint a day on which the judgment and sentence of the court shall be executed by the superintendent, which day shall not be less than thirty nor more than ninety days from the date the trial court receives the remand from the supreme court of Washington.

(2) If the date set for execution under subsection (1) of this section is stayed by a court of competent jurisdiction for any reason, the new execution date is automatically set at thirty judicial days after the entry of an order of termination or vacation of the stay by such court unless the court invalidates the conviction, sentence, or remands for further judicial proceedings. The presence of the inmate under sentence of death shall not be required for the court to vacate or terminate the stay according to this section.

Sec. 2. Section 20, chapter 138, Laws of 1981 as amended by section 1, chapter 286, Laws of 1987 and RCW 10.95.200 are each amended to read as follows:

Whenever the day appointed for the execution of a defendant shall have passed, from any cause (~~whatever~~), other than the issuance of a stay by a court of competent jurisdiction, without the execution of such defendant having occurred, the trial court which issued the original death warrant shall issue a new death warrant in accordance with RCW 10.95.160. The defendant's presence before the court is not required. However, nothing in this section shall be construed as restricting the defendant's right to be represented by counsel in connection with issuance of a new death warrant.

Passed the House February 6, 1990.

Passed the Senate March 2, 1990.

Approved by the Governor March 28, 1990.

Filed in Office of Secretary of State March 28, 1990.