

Legal History of The Death Penalty in Washington State

Washington State's first execution, in 1904, occurred under a statute that called for a mandatory death sentence. The statute was revised in 1909 to give discretion over the death sentence to the judge.

The death penalty was abolished in Washington in 1913, then reinstated in 1919 with the juries' recommendation.

In 1972, the U.S. Supreme Court ruled capital punishment unconstitutional. In compliance with the 1976 Supreme Court ruling, the death penalty was reinstated in Washington State in 1977. The statute presently in effect was last revised in 1998.

Washington's Statute (Revised Code of Washington, Chapter 10.95)

Sentencing Washington State's present death penalty law allows a death sentence to be imposed only in cases of aggravated first-degree murder where a jury unanimously finds that no reasonable mitigating circumstances exist to allow the alternative sentence of Life Imprisonment Without the Possibility of Release or Parole. The jury is asked not whether they will impose the death sentence, but: "Having in mind the crime of which the defendant has been found guilty, are you convinced beyond a reasonable doubt that there are not sufficient mitigating circumstances to merit leniency?" If the jury responds "Yes," a death sentence is imposed. Mitigating circumstances include, but are not limited to, mental disturbance, age, role in murder, inability to understand the illegality of the act, whether the defendant was under duress or domination, and the likelihood of the defendant posing future danger.

The trial of a capital offense occurs in two parts. The jury first decides whether the defendant is innocent or guilty of the crime with which he or she is charged. The jury then decides whether to impose the death sentence or a sentence of Life without the Possibility of Parole.

Aggravated First-Degree Murder

1. Victim was a law enforcement officer, corrections officer or firefighter performing official duties.
2. Defendant was in prison, had escaped or was authorized or unauthorized to leave incarceration at the time of the crime.
3. Defendant was in custody at county or county-city jail at the time of the crime.
4. Defendant entered into agreement to receive money or item of value for committing the crime.

5. Defendant solicited another person to commit murder and agreed to exchange money or item of value for the crime to be committed.
6. (1995 Legislation) Defendant committed crime to maintain membership or advance in the hierarchy of an identifiable organization or group.
7. (1995 Legislation) Defendant committed crime with a firearm shot while inside a motor vehicle.
8. Victim was a judge, juror, former juror, prospective, current or former witness, prosecutor, deputy prosecutor, defense attorney, sentence review board member, probation officer or parole officer and the murder(s) was related to the exercise of victim's official duties.
9. Murder committed to conceal the commission of another crime or to conceal defendant's identity.
10. More than one victim and murders were part of a common scheme.
11. Murder committed in the course of, furtherance of or flight of: First or Second Degree Robbery, First or Second Degree Rape, First or Second Degree Burglary, (1994 Legislation) Residential Burglary, First Degree Kidnapping, First Degree Arson.
12. Victim was news reporter or journalist and murder was committed to hinder investigative, research or reporting activities of victim.
13. (1998 Legislation) Victim had an official Order of Protection against the defendant at the time of the crime.

Mandatory Review

Each death sentence is reviewed by the State Supreme Court during which the Court considers whether sufficient evidence of mitigating factors was presented at trial, whether the death sentence is excessive or disproportionate to similar cases, and whether the sentencing was affected by feelings of passion or prejudice.

Method of Execution

Inmates are executed by a lethal injection of sodium thiopental unless they choose to die by hanging.

Juvenile Offenders

Federal law prohibits the execution of anyone under age 16 at the time of the crime and Washington prohibits the execution of offenders under the age of 18.