

# JUDICIAL IMPACT FISCAL NOTE

<b>Bill Number:</b> 1935 HB	<b>Title:</b> Death Penalty Elimination	<b>Agency:</b> 055 – Admin Office of the Courts (AOC)
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## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

	FY 2018	FY 2019	2017-19	2019-21	2021-23
<b>Total:</b>					

### Estimated Expenditures from:

STATE	FY 2018	FY 2019	2017-19	2019-21	2021-23
FTE – Staff Years					
<b>Account</b>		<b>INDETERMINATE</b>			
General Fund – State (001-1)					
State Subtotal					
<b>COUNTY</b>					
County FTE Staff Years					
<b>Account</b>					
Local - Counties					
Counties Subtotal					
<b>CITY</b>					
City FTE Staff Years					
<b>Account</b>					
Local – Cities					
Cities Subtotal					
Local Subtotal					
<b>Total Estimated Expenditures:</b>					

*The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form parts I-V
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.

Legislative Contact:	Phone:	Date:
Agency Preparation: Sam Knutson	Phone: 360-704-5528	Date: 2/9/2017
Agency Approval: Ramsey Radwan	Phone: 360-357-2406	Date:
OFM Review:	Phone:	Date:

## **Part II: Narrative Explanation**

This bill would eliminate the death penalty in Washington, and would require life imprisonment without possibility of release or parole as the sentence for aggravated first-degree murder.

### **Part II.A – Brief Description of what the Measure does that has fiscal impact on the Courts**

Section 1 – Would amend RCW 10.95.030 to eliminate the death penalty and provisions.

Section 2(1) – Would repeal RCW 10.95.040, Special sentencing proceeding-notice-filing-service.

Section 2(2) – Would repeal RCW 10.95.050, Special sentencing proceeding-when held-jury to decide matters presented-waiver-reconvening same jury-impaneling new jury-peremptory challenges.

Section 2(3) – Would repeal RCW 10.95.060, Special sentencing proceeding-jury instructions-opening statements-evidence-arguments-question for jury.

Section 2(4) – Would repeal RCW 10.95.070, Special sentencing proceeding-factors which a jury may consider in deciding whether leniency is merited.

Section 2(5) – Would repeal RCW 10.95.080, When sentence to death or sentence to life imprisonment shall be imposed.

Section 2(6) – Would repeal RCW 10.95.090, Sentence if death sentence commuted, held invalid, or if death sentence established by chapter held invalid.

Section 2(7) – Would repeal RCW 10.95.100, Mandatory review of death sentence by the Supreme Court-notice-transmittal-contents of notice-jurisdiction.

Section 2(8) – Would repeal RCW 10.95.110, Verbatim report of trial proceedings-preparation-transmittal to Supreme Court-clerks papers-receipt.

Section 2(9) – Would repeal RCW 10.95.120, Information report-form-contents-submission to Supreme Court, defendant, prosecuting attorney.

Section 2(10) – Would repeal RCW 10.95.130, Questions posed for determination by the Supreme Court in death sentence review-review in addition to appeal-consolidation of review and appeal.

Section 2(11) – Would repeal RCW 10.95.140, Invalidation of sentence, remand for resentencing-affirmation of sentence, remand for execution.

Section 2(12) – Would repeal RCW 10.95.150, Time limit for appellate review of death sentence and filing opinion.

Section 2(13) – Would repeal RCW 10.95.160, Death warrant-issuance-form-time for execution of judgment and sentence.

Section 2(14) – Would repeal RCW 10.95.170, Imprisonment of defendant.

Section 2(15) – Would repeal RCW 10.95.180, Death penalty, how executed.

Section 2(16) – Would repeal RCW 10.95.185, Witnesses.

Section 2(17) – Would repeal RCW 10.95.190, Death warrant-record-return to trial court.

Section 2(18) – Would repeal RCW 10.95.200, Proceedings for failure to execute on day named.

## **II.B - Cash Receipt Impact**

No cash receipt impact.

## **II.C – Expenditures**

This bill would likely result in a shift of caseload between the Supreme Court and Court of Appeals (COA), but this effect is indeterminate.

With the elimination of the death penalty, the only sentence for the crime of aggravated first degree murder would be life without parole (LWOP).

There would be a reduction in the complexity of appeals for aggravated first degree murder convictions and a repeal of the provision requiring the Supreme Court to conduct a special review as currently required by RCW 10.95.130.

The elimination of the death penalty would most likely reduce the impact on Supreme Court resources that are directly associated with this type of case. This reduction, however, may be offset by an increase in cases transferred from the Court of Appeals to the Supreme Court.