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SENATE BILL 6566

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State of Washington                      63rd Legislature                      2014 Regular Session

By Senators O'Ban, Padden, Pearson, and Sheldon

Read first time 02/17/14. Referred to Committee on Law & Justice.

1            AN ACT Relating to affirming the authority of the clemency and  
2 pardons board to make recommendations to the governor regarding  
3 petitions for reprieve to ensure that victims, law enforcement,  
4 prisoners, and others are heard; amending RCW 10.01.120; creating a new  
5 section; and providing an effective date.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7            NEW SECTION.    **Sec. 1.**    Article III, section 9 of the state  
8 Constitution provides that the "pardoning power shall be vested in the  
9 governor under such regulations and restrictions as may be prescribed  
10 by law." Moreover, Article I, section 35 of the state Constitution  
11 ensures that the voices of victims and their families are entitled to  
12 notice and an opportunity to be heard in the sentencing and clemency  
13 processes. The legislature finds that the clemency and pardons board  
14 plays an important role in advising the governor in his or her power to  
15 issue pardons, commute sentences, and grant reprieves and protecting  
16 the rights of victims to be heard during the exercise of that power.

17            The purposes for the establishment of the clemency and pardons  
18 board as provided in section 1, chapter 323, Laws of 1999 are to  
19 "assist the governor in gathering the facts necessary to the wise

1 exercise of this [pardoning] power" and "ensure that all victims and  
2 survivors of victims of crimes are afforded a meaningful role in the  
3 clemency process." Under RCW 9.94A.885, prosecutors are notified  
4 thirty days before a hearing and are required to "make reasonable  
5 efforts to notify victims, survivors of victims, witnesses, and the law  
6 enforcement agency or agencies that conducted the investigation, of the  
7 date and place of the hearing." The hearings are also required to be  
8 open to the public. The legislature reaffirms the board's  
9 indispensable role in ensuring that the pardoning and reprieve power is  
10 exercised with deliberation and after victims, law enforcement, and the  
11 prisoner have had the opportunity to be heard.

12 **Sec. 2.** RCW 10.01.120 and 2010 c 8 s 1003 are each amended to read  
13 as follows:

14 Whenever a prisoner has been sentenced to death, the governor shall  
15 have power to commute such sentence to imprisonment for life at hard  
16 labor; and in all cases in which the governor is authorized to grant  
17 pardons or commute sentence of death, he or she may, upon the petition  
18 of the person convicted, commute a sentence or grant a pardon, upon  
19 such conditions, and with such restrictions, and under such limitations  
20 as he or she may think proper; and he or she may issue his or her  
21 warrant to all proper officers to carry into effect such pardon or  
22 commutation, which warrant shall be obeyed and executed, instead of the  
23 sentence, if any, which was originally given. The governor may also,  
24 on good cause shown, grant respites or reprieves from time to time as  
25 he or she may think proper. Good cause, for the purposes of this  
26 section, means that the governor has undergone an individualized  
27 consideration of the facts of a specific conviction after he or she has  
28 received a recommendation from the clemency and pardons board as  
29 provided in RCW 9.94A.885.

30 NEW SECTION. **Sec. 3.** This act takes effect July 1, 2014.

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