
SENATE BILL 5039

State of Washington

64th Legislature

2015 Regular Session

By Senator O'Ban

Prefiled 01/05/15.

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; and creating
5 a new section.

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

18 The purposes for the establishment of the clemency and pardons
19 board as provided in section 1, chapter 323, Laws of 1999 are to
20 "assist the governor in gathering the facts necessary to the wise
21 exercise of this [pardoning] power" and "ensure that all victims and

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

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

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

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