



Initiative Measure 316

TO THE PEOPLE

Ballot Title:

Shall the death penalty be mandatory in the case of aggravated murder in the first degree?

NOTE: The ballot title and explanatory statement were written by the Attorney General as required by state law. The complete text of Initiative Measure 316 begins on Page 20.

Statement for

PEOPLE ASKED FOR INITIATIVE 316

Initiative 316 is being presented on the ballot because over 120,000 individual voters asked for it by signing initiative petitions. These citizens are understandably concerned about current methods for handling convicted murderers. Under present Washington State law and practice, even the most heinous murderer sentenced to life imprisonment is, at least theoretically, eligible for parole within 13 years and 4 months.

INITIATIVE 316 WOULD REINSTATE LIMITED MANDATORY CAPITAL PUNISHMENT

Initiative 316 amends Washington State law to provide for mandatory capital punishment for certain specific crimes of murder. These would be called "aggravated murder in the first degree" and would include murder for hire; murder committed during rape or kidnapping; and murder of a peace officer who is performing official duties. (See additional crimes specified in complete text of Initiative 316 in back of pamphlet).

CAPITAL PUNISHMENT ACCEPTED BY MOST AMERICANS

Since 1972, 34 states (and the Federal government) have reinstated capital punishment. Opponents say juries would refuse to convict a murderer if that verdict would result in capital punishment. Yet, well over 100 persons in the U.S., in the last three years, have been convicted of crimes which subject them to capital punishment.

SCALES OF JUSTICE NEED RE-BALANCING

Initiative 316 would serve several vital social functions. It would provide a deterrence to the would-be murderer; it would identify those crimes specified in Initiative 316 as particularly outrageous to society; and it would serve to reinforce society's concern for the dignity and value of innocent human life. The victims of heinous murders and their families have been neglected for too long. Help re-balance the scales of justice by voting for Initiative 316 November 4th.

Rebuttal of Statement against

Opposition arguments are an assortment of emotional appeals and misleading statements. Opponents **well know** the U.S. Supreme Court **has ruled** capital punishment **must be mandatory**. **No study has ever found** that capital punishment **does not** deter heinous murder. It is **just not true** that juries will release persons proven guilty of murders specified in Initiative 316! Murder rates? Here's one: Washington, up 30% in 1974! Convicted killers **do** kill again! Just read the newspapers!

Voters' Pamphlet Statement Prepared by:

AL HENRY, State Senator, Democrat; EARL F. TILLY, State Representative, Republican; and MARGARET HURLEY, State Representative, Democrat.

Advisory Committee: JACK SILVERS, Master, Washington State Grange; ALBERT D. ROSELLINI, Former Governor, Democrat; and PEGGY SJOBLOM, Legislative Liaison, Family and Friends of Missing Persons and Victims of Violent Crimes.

The Law as it now exists:

In accordance with rulings of both the United States and Washington State Supreme Court, the maximum penalty for first degree murder or kidnapping under present law is life imprisonment. These decisions are incorporated in the recently passed revision of the state criminal code, which is to become effective July 1, 1976.

The effect of Initiative 316, if approved into Law:

This initiative, if upheld by the courts, would add to the new state criminal code an additional degree of murder labeled "aggravated murder in the first degree." It would then provide for the mandatory imposition of the death penalty in the case of any conviction of this crime.

Murder in the first degree would constitute aggravated murder in the first degree under any of the following circumstances:

- (1) When the victim is a law enforcement officer or fire fighter performing his official duties;
- (2) When the defendant is serving a term of imprisonment in a state institution at the time of the act resulting in the death;
- (3) When the defendant committed or solicited another person to commit the murder for pay;

(4) When the murder was committed with intent to conceal the commission of another crime or the identity of any person committing that crime, or when the murder was committed with intent to obstruct justice;

(5) When there is more than one victim and the murders result from a single act or were part of a common scheme or plan;

(6) When the defendant committed the murder in furtherance of the crime of rape or kidnapping or in immediate flight from those crimes.

If the death penalty provisions of this initiative are found to be unconstitutional, the initiative substitutes a mandatory sentence of life imprisonment. That sentence cannot be suspended, deferred nor commuted by anyone other than the Governor.

Statement against

Under Washington law, the death penalty "must be inflicted by hanging by the neck." This Initiative makes hanging "mandatory"—the only possible penalty upon conviction. Vote against this barbaric practice.

HANGING IS WRONG

Executions degrade and bloody us all. Human life isn't sacred when we kill in the name of the State. Murderers should be locked up, not imitated.

HANGING DOESN'T PREVENT MURDERS

Criminologists have made dozens of studies to determine whether the death penalty reduces the number of murders. Every one of them has found that it does not. States without capital punishment have the lowest murder rates. Last year, the murder rate was higher in almost every state that has the death penalty, than it was in Washington.

"MANDATORY" HANGING PREVENTS CONVICTIONS

Juries often acquit when conviction requires a death sentence. "Mandatory" capital punishment was abolished long ago in every state in the country — including Washington, in 1909 — primarily because guilty men were being set free by juries unwilling to sentence them to die.

HANGING IS UNNECESSARY

It is not true that murderers sent to prison for life get out and kill again. In all Washington's history, no one who could be executed under this Initiative has ever been paroled and then committed another murder.

HANGING IS IRREVERSIBLE

Innocent people have been convicted of murder. Some have been executed. There is no way to pardon a man after he is hanged.

HANGING IS EXPENSIVE

Death penalty trials and appeals cost so much that it's cheaper to imprison a man for life than execute him. Our tax dollars could better be spent on police protection and aid to families of murder victims.

Rebuttal of Statement for

Initiative 316's proponents claim that it will show our outrage at certain crimes of murder. All murders are outrageous. Initiative 316 only applies to some. We need real solutions to the real problem posed by all homicides, not ineffective gestures aimed only at a few. Hanging people won't stop crime and won't bring victims back. It certainly won't show our "concern for the dignity" of human life. Vote against this brutal, senseless measure.

Voters' Pamphlet Statement Prepared by:

GARY GRANT, State Senator, Democrat; RICK SMITH, State Representative, Democrat; DANIEL J. EVANS, Governor, Republican.

Advisory Committee: Most Reverend RAYMOND G. HUNTHAUSEN, Archbishop of Seattle; Dr. EDWARD B. LINDAMAN; JOAN MASON, President, Families of Murder Victims Against Revenge; MARIANNE CRAFT NORTON, President, Washington State Division, American Association of University Women; CHARLES Z. SMITH, Associate Dean, University of Washington School of Law.

tive for any reason shall be adjudged invalid, this shall not invalidate the remainder of this initiative but shall be confined in its operation to the section, subdivision of a section, paragraph, sentence, clause or word of the initiative directly involved in the controversy in which such judgment shall have been rendered. If any fee or tax imposed under this initiative shall be adjudged invalid as to any person, corporation, association, institution or class of persons, corporations, institutions or associations included within the scope of the general language of this initiative such invalidity shall not affect the liability of any person, corporation, association, institution or class of persons, corporations, institutions, or associations as to which such fee or tax has not been adjudged invalid. It is hereby expressly declared that had any section, subdivision of a section, paragraph, sentence, clause, word or any person, corporation, institution, association or class of persons, corporations, institutions or associations as to which this initiative is declared invalid been eliminated from the initiative at the time the same was considered the initiative would have nevertheless been enacted with such portions eliminated.

In the event the compensating tax imposed pursuant to section 82A-5 is declared invalid, it is nevertheless the intention of the people that all other provisions of this initiative would have been enacted without such section and intend that such section is severable.



COMPLETE TEXT OF

Initiative Measure 316

TO THE PEOPLE

AN ACT Relating to crimes and punishments; adding new sections to chapter 9A.32 RCW; defining crimes; and prescribing penalties.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. There is added to chapter 9A.32 RCW a new section to read as follows:

AGGRAVATED MURDER IN THE FIRST DEGREE. A person is guilty of aggravated murder in the first degree when he commits murder in the first degree as defined in RCW 9A.32.030 under or accompanied by any of the following circumstances:

(1) The victim was a law enforcement officer or fire fighter and was performing his or her official duties at the time of the killing.

(2) At the time of the act resulting in the death, the defendant was serving a term of imprisonment in a state correctional institution.

(3) The defendant committed the murder pursuant to an agreement that he receive money or other thing of value for committing the murder.

(4) The defendant had solicited another to commit the murder and had paid or agreed to pay such person money or other thing of value for committing the murder.

(5) The defendant committed the murder with intent to conceal the commission of a crime, or to protect or conceal the identity of any person committing the same, or with intent to delay, hinder or obstruct the administration of justice by preventing any person from being a witness or producing evidence in any investigation or proceeding authorized by law or by influencing any person's official action as a juror.

(6) There was more than one victim and the said murders were part of a common scheme or plan, or the result of a single act of the defendant.

(7) The defendant committed the murder in the course of or in furtherance of the crime of rape or kidnapping or in immediate flight therefrom.

NEW SECTION. Sec. 2. There is added to chapter 9A.32 RCW a new section to read as follows:

AGGRAVATED MURDER IN THE FIRST DEGREE—PENALTY. A person found guilty of aggravated murder in the first degree as defined in section 1 of this act, shall be punished by the mandatory sentence of death. Once a person is found guilty of aggravated murder in the first degree, as defined in section 1 of this act, neither the court nor the jury shall have the discretion to suspend or defer the imposition or execution of the sentence of death. Such sentence

shall be automatic upon any conviction of aggravated first degree murder. The death sentence shall take place at the state penitentiary under the direction of and pursuant to arrangements made by the superintendent thereof: PROVIDED, That the time of such execution shall be set by the trial judge at the time of imposing sentence and as a part thereof.

NEW SECTION. Sec. 3. There is added to chapter 9A.32 RCW a new section to read as follows:

AGGRAVATED MURDER IN THE FIRST DEGREE—LIFE IMPRISONMENT. In the event that the governor commutes a death sentence or in the event that the death penalty is held to be unconstitutional by the United States supreme court or the supreme court of the state of Washington in any of the circumstances specified in section 1 of this act, the penalty for aggravated murder in the first degree in those circumstances shall be imprisonment in the state penitentiary for life. A person sentenced to life imprisonment under this section shall not have that sentence suspended, deferred, or commuted by any judicial officer, and the board of prison terms and paroles shall never parole a prisoner or reduce the period of confinement nor release the convicted person as a result of any automatic good time calculation nor shall the department of social and health services permit the convicted person to participate in any work release or furlough program.

NEW SECTION. Sec. 4. There is added to chapter 9A.32 RCW a new section to read as follows:

If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 5. The section captions as used in this act are for organizational purposes only and shall not be construed as part of the law.



COMPLETE TEXT OF

Referendum Bill 35

Chapter 89, Laws of 1975, 1st ex. sess.

AN ACT Relating to United States senators; amending section 29.68.070, chapter 9, Laws of 1965 and RCW 29.68.070; and providing for the submission of this act to a vote of the people.

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

Section 1. Section 29.68.070, chapter 9, Laws of 1965 and RCW 29.68.070 are each amended to read as follows:

When a vacancy happens in the representation of this state in the senate of the United States the governor shall make a temporary appointment until the people fill the vacancy by election at the next ensuing general state election occurring during an even-numbered year. Such temporary appointment shall be from a list of three names submitted to the governor by the state central committee of the same political party as the senator holding office prior to the vacancy. A vacancy occurring after the first day for filing specified in RCW 29.18.030 and prior to the general state election shall be filled by election at the next ensuing general state election occurring during an even-numbered year.

NEW SECTION. Sec. 2. This amendatory act shall be submitted to the people for their adoption and ratification, or rejection, at a special election hereby ordered by the legislature, which election shall be held in conjunction with the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1975, all in accordance with the provisions of section 1, Article II of the Constitution of the state of Washington, as amended, and the laws adopted to facilitate the operation thereof.