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**SUBSTITUTE SENATE BILL 5348**

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**State of Washington**

**55th Legislature**

**1997 Regular Session**

**By** Senate Committee on Law & Justice (originally sponsored by Senators Roach, Long, Zarelli, Wood, Bauer, McCaslin, Johnson, Oke, Rossi, Swecker, Benton, Anderson, Hargrove, Patterson, Goings, Heavey, Snyder, Winsley, Strannigan, Schow and Rasmussen)

Read first time 02/19/97.

1       AN ACT Relating to aggravating circumstances for aggravated first  
2 degree murder; reenacting and amending RCW 10.95.020; and prescribing  
3 penalties.

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

5       **Sec. 1.** RCW 10.95.020 and 1995 c 129 s 17 (Initiative Measure No.  
6 159) and 1994 c 121 s 3 are each reenacted and amended to read as  
7 follows:

8       A person is guilty of aggravated first degree murder if he or she  
9 commits first degree murder as defined by RCW 9A.32.030(1)(a), as now  
10 or hereafter amended, and one or more of the following aggravating  
11 circumstances exist:

12       (1) The victim was a law enforcement officer, corrections officer,  
13 or fire fighter who was performing his or her official duties at the  
14 time of the act resulting in death and the victim was known or  
15 reasonably should have been known by the person to be such at the time  
16 of the killing;

17       (2) At the time of the act resulting in the death, the person was  
18 serving a term of imprisonment, had escaped, or was on authorized or

1 unauthorized leave in or from a state facility or program for the  
2 incarceration or treatment of persons adjudicated guilty of crimes;

3 (3) At the time of the act resulting in death, the person was in  
4 custody in a county or county-city jail as a consequence of having been  
5 adjudicated guilty of a felony;

6 (4) The person committed the murder pursuant to an agreement that  
7 he or she would receive money or any other thing of value for  
8 committing the murder;

9 (5) The person solicited another person to commit the murder and  
10 had paid or had agreed to pay money or any other thing of value for  
11 committing the murder;

12 (6) The person committed the murder to obtain or maintain his or  
13 her membership or to advance his or her position in the hierarchy of an  
14 organization, association, or identifiable group;

15 (7) The murder was committed during the course of or as a result of  
16 a shooting where the discharge of the firearm, as defined in RCW  
17 9.41.010, is either from a motor vehicle or from the immediate area of  
18 a motor vehicle that was used to transport the shooter or the firearm,  
19 or both, to the scene of the discharge;

20 (8) The victim was:

21 (a) A judge; juror or former juror; prospective, current, or former  
22 witness in an adjudicative proceeding; prosecuting attorney; deputy  
23 prosecuting attorney; defense attorney; a member of the indeterminate  
24 sentence review board; or a probation or parole officer; and

25 (b) The murder was related to the exercise of official duties  
26 performed or to be performed by the victim;

27 (9) The person committed the murder to conceal the commission of a  
28 crime or to protect or conceal the identity of any person committing a  
29 crime, including, but specifically not limited to, any attempt to avoid  
30 prosecution as a persistent offender as defined in RCW 9.94A.030;

31 (10) There was more than one victim and the murders were part of a  
32 common scheme or plan or the result of a single act of the person;

33 (11) The murder was committed in the course of, in furtherance of,  
34 or in immediate flight from one of the following crimes:

35 (a) Robbery in the first or second degree;

36 (b) Rape in the first or second degree;

37 (c) Burglary in the first or second degree or residential burglary;

38 (d) Kidnapping in the first degree; or

39 (e) Arson in the first degree;

1 (12) The victim was regularly employed or self-employed as a  
2 newsreporter and the murder was committed to obstruct or hinder the  
3 investigative, research, or reporting activities of the victim;

4 (13) At the time the person committed the murder, there existed a  
5 court order, issued in this or any other state, which prohibited the  
6 person from either contacting the victim, molesting the victim, or  
7 disturbing the peace of the victim, and the person had knowledge of the  
8 existence of that order;

9 (14) At the time the person committed the murder, the person and  
10 the victim were "family or household members" as that term is defined  
11 in RCW 10.99.020(1), and the person had previously engaged in a pattern  
12 or practice of three or more of the following crimes committed upon the  
13 victim within a five-year period, regardless of whether a conviction  
14 resulted:

15 (a) Harassment as defined in RCW 9A.46.020; or

16 (b) Any criminal assault.

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