

SENATE BILL REPORT

SB 6309

As Reported by Senate Committee On:
Judiciary, February 2, 2010

Title: An act relating to including persons acquitted by reason of insanity within the slayer statute.

Brief Description: Including persons acquitted by reason of insanity within the slayer statute.

Sponsors: Senators Carrell, King and Roach.

Brief History:

Committee Activity: Judiciary: 1/27/10, 2/02/10 [DPS].

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 6309 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Regala, Vice Chair; Carrell, Gordon, Hargrove and Roach.

Staff: Kim Johnson (786-7472)

Background: Under certain circumstances, an individual who takes the life of another is not entitled to inherit property or receive any benefit from the person the individual killed. This rule, in statute as part of the state's estate distribution laws, is commonly referred to as the slayer statute. A slayer is a person who participates, either as a principal or an accessory before the fact, in the willful and unlawful killing of any other person.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (Recommended Substitute): The definition of slayer is amended to provide that even if a person has been found not guilty by reason of insanity in the killing of another person, the person may still be determined to be a slayer if the killing was both willful and unlawful.

EFFECT OF CHANGES MADE BY JUDICIARY COMMITTEE (Recommended Substitute As Passed Committee): The definition of slayer is amended to provide that even if a person has been found not guilty by reason of insanity in the killing of another person,

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the person may still be determined to be a slayer if a civil court finds that the killing was both willful and unlawful.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Proposed Substitute As Heard in Committee:

CON: This bill as drafted goes beyond the Supreme Court's holding in *Kissinger v. Hoge*. The *Kissinger* case decided whether a person who was found not guilty by reason of insanity could use that finding as a defense in a slayer statute proceeding. The answer was no, the court will look at the individual facts of the case to determine whether the killing was willful. The language in the bill lumps all persons who are found not guilty by reason of insanity into the same category even though there will be people who are so severely mentally ill they would not meet the definition of willful.

Persons Testifying: CON: David Lord, Disability Rights Washington.