5263-S.E AMH GRAH BUR 043

**ESSB 5263** - H AMD TO H AMD (5263-S.E AMH ABBA BUR 039) **618**

By Representative Graham

**NOT ADOPTED 04/08/2021**

On page 1, beginning on line 6 of the amendment, after "death," strike "if the person injured or killed was armed with a dangerous weapon,"

On page 1, beginning on line 10 of the amendment, after "death" insert ", if the person injured or killed was:

(a) Armed with a dangerous weapon;

(b) Engaged in the commission or attempted commission of murder as defined in RCW 9A.32.030 or 9A.32.050;

(c) Engaged in the commission or attempted commission of rape as defined in RCW 9A.44.040, 9A.44.050, 9A.44.060, or rape of a child as defined in RCW 9A.44.073, 9A.44.076, or 9A.44.079; or

(d) Engaged in the commission or attempted commission of assault in the first degree as defined in RCW 9A.36.011, or assault of a child in the first degree as defined in RCW 9A.36.120"

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|  | EFFECT:   Limits the heightened "beyond a reasonable doubt" standard for proving the elements of the felony bar affirmative defense such that the heightened standard will not apply when the person injured or killed was armed with a dangerous weapon, or engaged in the commission or attempted commission of murder, rape, rape of a child, first-degree assault, or first-degree assault of a child. |

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