

SENATE BILL REPORT

SB 5543

As of February 6, 1995

Title: An act relating to including homicide of a parent by a battered child as manslaughter.

Brief Description: Including homicide of a parent by a battered child as manslaughter.

Sponsors: Senator Smith.

Brief History:

Committee Activity: Law & Justice: 2/7/95.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Susan Carlson (786-7418)

Background: In recent years, there have been some first degree murder cases involving a child who has murdered a parent and claimed self-defense based on a history of abuse inflicted on the child by the parent. The facts in these cases often do not fit squarely into the doctrine of self-defense. However, the history of abuse may make judges or juries reluctant to hold the abused child fully accountable for the crime.

It has been suggested that the first degree manslaughter statute should be amended to include homicides in which a battered child kills an abusive parent. First degree manslaughter is a class B felony, with a first offense standard range of 31-41 months.

Summary of Bill: A battered child acting under the influence of extreme emotional distress caused by repeated physical and emotional abuse inflicted by a parent, who causes the death of that parent, is guilty of first degree manslaughter. Extreme emotional distress means a degree of anger and terror sufficient to render the mind incapable of rational consideration.

Appropriation: None.

Fiscal Note: Not requested.

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