

SENATE BILL REPORT

SHB 2369

As Reported By Senate Committee On:
Law & Justice, February 26, 1998

Title: An act relating to slayers.

Brief Description: Prohibiting slayers from receiving benefits because of the victim's death.

Sponsors: House Committee on Law & Justice (originally sponsored by Representatives Carlson, Sheahan, Radcliff, Constantine, Kastama, Mulliken, Gardner, Linville, Benson, Kessler, Anderson, Mitchell, Schoesler, D. Sommers, Van Luven, Dunn, Lambert, Boldt and McDonald).

Brief History:

Committee Activity: Law & Justice: 2/25/98, 2/26/98 [DPA].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended.

Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Hargrove, Kline, Long, Stevens, Thibaudeau and Zarelli.

Staff: David Johnson (786-7754)

Background: Slayer statutes exist to prevent one who kills another from gaining financially from the act. Washington's slayer statute specifically forbids a slayer from acquiring or receiving any property or benefit from the death of the victim. However, this law does not allow taking property away from the slayer which was acquired prior to the killing.

When a slayer and victim are related by marriage or business venture, they often own property jointly. This property is distributed on death to the living partner and the deceased's estate, as it would have been if the death had been accidental.

The Court of Appeals has held that a slayer does not lose his or her right to community property because of the murderous act. In some situations this has meant that the slayer receives his or her share of the state retirement benefits of the victim as well as other property.

Summary of Amended Bill: The slayer's rights to retirement benefits of the victim under the state retirement system are taken away and given to the victim's estate. The Department of Retirement Systems, after notice that a slayer situation exists, determines to whom payment should be made.

The provision stating that the slayer statutes are not to be considered penal is removed. Any provisions which violated federal law are severable from the remaining provisions.

Amended Bill Compared to Substitute Bill: Provisions relating to property other than state retirement benefits are removed. Language is clarified so that benefits are paid when legal matters are resolved and so that the slayer is only prohibited from receiving benefits from the victim's retirement.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: None.

Testimony Against: None.

Testified: No one.