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SENATE BILL 5980

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State of Washington

55th Legislature

1997 Regular Session

By Senators Roach, Swecker, Stevens, Benton, Schow, Zarelli, Oke, Sellar, McDonald, Hochstatter, Strannigan, Rasmussen, Goings, Heavey and Swanson

Read first time 02/24/97. Referred to Committee on Law & Justice.

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 and 1994 c 121 s 3 are  
6 each reenacted and amended to read as follows:

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

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

16 (2) At the time of the act resulting in the death, the person was  
17 serving a term of imprisonment, had escaped, or was on authorized or  
18 unauthorized leave in or from a state facility or program for the  
19 incarceration or treatment of persons adjudicated guilty of crimes;

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

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

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

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

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

18 (8) The victim was:

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

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

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

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

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

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

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

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

36 (d) Kidnapping in the first degree; or

37 (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; or  
4       (13) The victim was under the age of twelve.

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