
SUBSTITUTE SENATE BILL 6274

State of Washington

55th Legislature

1998 Regular Session

By Senate Committee on Law & Justice (originally sponsored by Senators Bauer, Benton, Oke and Schow)

Read first time 02/06/98.

1 AN ACT Relating to slayers; amending RCW 11.84.900, 11.02.070, and
2 26.16.120; adding a new section to chapter 41.04 RCW; adding a new
3 section to chapter 11.84 RCW; creating new sections; and declaring an
4 emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 41.04 RCW
7 to read as follows:

8 (1) For purposes of this section, the following definitions shall
9 apply:

10 (a) "Slayer" means a slayer as defined in RCW 11.84.010.

11 (b) "Decedent" means any person whose life is taken by a slayer,
12 and who is entitled to benefits from the Washington state department of
13 retirement systems by written designation or by operation of law.

14 (2) Property that would have passed to or for the benefit of a
15 beneficiary under one of the retirement systems listed in RCW 41.50.030
16 shall not pass to that beneficiary if the beneficiary is a slayer and
17 shall be distributed as if the slayer had predeceased the decedent.

18 (3) A slayer is deemed to have predeceased the decedent as to
19 property which, by designation or by operation of law, would have

1 passed from the decedent to the slayer because of the decedent's
2 entitlement to benefits under one of the retirement systems listed in
3 RCW 41.50.030.

4 (4)(a) The department of retirement systems has no affirmative duty
5 to determine whether a beneficiary is, or is alleged to be, a slayer.
6 However, upon receipt of written notice that a beneficiary is a
7 defendant in a civil lawsuit that alleges the beneficiary is a slayer
8 or is charged with a crime that, if committed, means the beneficiary is
9 a slayer, the department of retirement systems shall determine whether
10 the beneficiary is a defendant in such a civil suit or has been
11 formally charged in court with the crime. If so, the department shall
12 withhold payment of any benefits until:

13 (i) The case or charges are dismissed;

14 (ii) The beneficiary is found not guilty in the criminal case or
15 prevails in the civil suit; or

16 (iii) The beneficiary is convicted or is found to be a slayer in
17 the civil suit.

18 (b) If the case or charges are dismissed or if a beneficiary is
19 found not guilty or prevails in the civil suit, the department shall
20 pay the beneficiary the benefits the beneficiary is entitled to
21 receive. If the beneficiary is convicted or found to be a slayer in a
22 civil suit, the department shall distribute the benefits according to
23 subsection (2) of this section.

24 (5) The slayer's conviction for having participated in the willful
25 and unlawful killing of the decedent shall be admissible in evidence
26 against a claimant of property in any civil action arising under this
27 section.

28 (6) This section shall not subject the department of retirement
29 systems to liability for payment made to a slayer or alleged slayer
30 prior to the department's receipt of written notice that the slayer has
31 been convicted of, or the alleged slayer has been formally criminally
32 or civilly charged in court with, the death of the decedent. If the
33 conviction or civil judgment of a slayer is reversed on appeal, the
34 department of retirement systems shall not be liable for payment made
35 prior to the receipt of written notice of the reversal to a beneficiary
36 other than the person whose conviction or civil judgment is reversed.

37 NEW SECTION. **Sec. 2.** A new section is added to chapter 11.84 RCW
38 to read as follows:

1 Proceeds payable to a slayer as the beneficiary of any benefits
2 flowing from one of the retirement systems listed in RCW 41.50.030, by
3 virtue of the decedent's membership in the department of retirement
4 systems or by virtue of the death of decedent, shall be paid instead as
5 designated in section 1 of this act.

6 **Sec. 3.** RCW 11.84.900 and 1965 c 145 s 11.84.900 are each amended
7 to read as follows:

8 This chapter shall (~~not be considered penal in nature, but shall~~)
9 be construed broadly (~~in order~~) to effect the policy of this state
10 that no person shall be allowed to profit by his own wrong, wherever
11 committed.

12 **Sec. 4.** RCW 11.02.070 and 1967 c 168 s 1 are each amended to read
13 as follows:

14 Except as provided in sections 1 and 2 of this act, upon the death
15 of a decedent, a one-half share of the community property shall be
16 confirmed to the surviving spouse, and the other one-half share shall
17 be subject to testamentary disposition by the decedent, or shall
18 descend as provided in chapter 11.04 RCW. The whole of the community
19 property shall be subject to probate administration for all purposes of
20 this title, including the payment of obligations and debts of the
21 community, the award in lieu of homestead, the allowance for family
22 support, and any other matter for which the community property would be
23 responsible or liable if the decedent were living.

24 **Sec. 5.** RCW 26.16.120 and Code 1881 s 2416 are each amended to
25 read as follows:

26 Nothing contained in any of the provisions of this chapter or in
27 any law of this state, shall prevent the husband and wife from jointly
28 entering into any agreement concerning the status or disposition of the
29 whole or any portion of the community property, then owned by them or
30 afterwards to be acquired, to take effect upon the death of either.
31 But such agreement may be made at any time by the husband and wife by
32 the execution of an instrument in writing under their hands and seals,
33 and to be witnessed, acknowledged and certified in the same manner as
34 deeds to real estate are required to be, under the laws of the state,
35 and the same may at any time thereafter be altered or amended in the
36 same manner(~~(:—PROVIDED, HOWEVER, That)~~). Such agreement shall not

1 derogate from the right of creditors((7))i nor be construed to curtail
2 the powers of the superior court to set aside or cancel such agreement
3 for fraud or under some other recognized head of equity jurisdiction,
4 at the suit of either partyi nor prevent the application of laws
5 governing the community property and inheritance rights of slayers
6 under chapter 11.84 RCW.

7 NEW SECTION. **Sec. 6.** This act applies to acts that result in
8 unlawful killings of decedents by slayers on and after the effective
9 date of this act.

10 NEW SECTION. **Sec. 7.** If any part of this act is found to be in
11 conflict with federal requirements, the conflicting part of this act is
12 hereby declared to be inoperative solely to the extent of the conflict,
13 and such finding or determination does not affect the operation of the
14 remainder of this act. Rules adopted under this act must meet federal
15 requirements.

16 NEW SECTION. **Sec. 8.** This act is necessary for the immediate
17 preservation of the public peace, health, or safety, or support of the
18 state government and its existing public institutions, and takes effect
19 immediately.

--- END ---