

SSB 6620 - S AMD 921

By Senator Baumgartner

1 On page 28, after line 10, insert the following:

2 **"Part VII - Murder on School Premises**

3 **Sec. 24.** RCW 10.95.020 and 2003 c 53 s 96 are each amended to
4 read as follows:

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

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

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

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

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

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

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

30 (7) The murder was committed during the course of or as a result
31 of a shooting where the discharge of the firearm, as defined in RCW

1 9.41.010, is either from a motor vehicle or from the immediate area
2 of a motor vehicle that was used to transport the shooter or the
3 firearm, or both, to the scene of the discharge;

4 (8) The victim was:

5 (a) A judge; juror or former juror; prospective, current, or
6 former witness in an adjudicative proceeding; prosecuting attorney;
7 deputy prosecuting attorney; defense attorney; a member of the
8 indeterminate sentence review board; or a probation or parole
9 officer; and

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

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

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

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

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

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

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

25 (d) Kidnapping in the first degree; or

26 (e) Arson in the first degree;

27 (12) The victim was regularly employed or self-employed as a
28 newsreporter and the murder was committed to obstruct or hinder the
29 investigative, research, or reporting activities of the victim;

30 (13) At the time the person committed the murder, there existed a
31 court order, issued in this or any other state, which prohibited the
32 person from either contacting the victim, molesting the victim, or
33 disturbing the peace of the victim, and the person had knowledge of
34 the existence of that order;

35 (14) At the time the person committed the murder, the person and
36 the victim were "family or household members" as that term is defined
37 in RCW 10.99.020(~~(1)~~), and the person had previously engaged in a
38 pattern or practice of three or more of the following crimes
39 committed upon the victim within a five-year period, regardless of
40 whether a conviction resulted:

1 (a) Harassment as defined in RCW 9A.46.020; or
2 (b) Any criminal assault;
3 (15) The murder was committed on public or private elementary or
4 secondary school premises, school-provided transportation, or areas
5 of facilities while being used exclusively by public or private
6 schools."

7 Renumber the remaining section consecutively and correct any
8 internal references accordingly.

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9 On page 1, line 10 of the title, after "rifles;" strike "and" and
10 after "funds;" insert "and murder on school premises;"

11 On page 1, line 12 of the title, after "9.41.124" strike "and"
12 and after "9.41.240" insert ", and 10.95.020"

EFFECT: Amends the definition of aggravated first degree murder to include first degree murder when the crime was committed on school premises thereby subjecting the perpetrator to life without parole or the death penalty.

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