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**SUBSTITUTE HOUSE BILL 2246**

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**State of Washington**

**52nd Legislature**

**1992 Regular Session**

**By** House Committee on Appropriations (originally sponsored by Representatives Spanel, McLean, Hine, Dellwo, D. Sommers, Wynne and May; by request of Department of Retirement Systems)

Read first time 02/07/92.

1 AN ACT Relating to denial of retirement system beneficiary benefits  
2 for slayers; adding a new section to chapter 41.04 RCW; and adding a  
3 new section to chapter 11.84 RCW.

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

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

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

9 (a) "Slayer" means any person who participates, either as a  
10 principal or an accessory before the fact, in the willful and unlawful  
11 killing of a decedent.

12 (b) "Convicted slayer" means any person convicted of a crime that  
13 makes the defendant a slayer.

1 (c) "Decedent" means any person whose life is so taken, and who is  
2 a member of, or entitled to benefits from, the Washington state  
3 department of retirement systems by written designation or by operation  
4 of law.

5 (2) Property that would have passed to or for the benefit of a  
6 beneficiary under one of the retirement systems listed in RCW 41.50.030  
7 shall not pass to that beneficiary if the beneficiary is a convicted  
8 slayer and shall be distributed as if the convicted slayer had  
9 predeceased the decedent.

10 (3) A convicted slayer is deemed to have predeceased the decedent  
11 as to property which, by designation or by operation of law, would have  
12 passed from the decedent to the convicted slayer because of the  
13 decedent's membership in, or entitlement to benefits under, one of the  
14 retirement systems listed in RCW 41.50.030.

15 (4)(a) The department of retirement systems has no affirmative duty  
16 to determine whether a beneficiary is, or is alleged to be, a slayer.  
17 However, upon receipt of written notice that a beneficiary is charged  
18 with a crime that, if committed, means the beneficiary is a slayer, the  
19 department of retirement systems shall, determine whether the  
20 beneficiary has been formally charged in court with the crime. If the  
21 beneficiary has been so charged, the department shall withhold payment  
22 of any benefits until:

23 (i) The charges are dismissed;

24 (ii) The beneficiary is found not guilty; or

25 (iii) The beneficiary is convicted.

26 (b) If the charges are dismissed or if a beneficiary is found not  
27 guilty, the department shall pay the beneficiary the benefits the  
28 beneficiary is entitled to receive. If the beneficiary is convicted,  
29 the department shall distribute the benefits according to subsection  
30 (2) of this section.

1 (5) The record of the slayer's conviction of having participated in  
2 the willful and unlawful killing of the decedent shall be admissible in  
3 evidence against a claimant of property in any civil action arising  
4 under this section.

5 (6) This section shall not be considered penal in nature, but shall  
6 be construed broadly in order to effect the policy of this state that  
7 no person shall be allowed to profit by his or her own wrong, wherever  
8 committed.

9 (7) This section shall not subject the department of retirement  
10 systems to liability for payment made to a slayer or alleged slayer  
11 prior to the department's receipt of written notice that the slayer has  
12 been convicted of, or the alleged slayer has been formally criminally  
13 charged in court with, the death of the decedent. If the conviction of  
14 a slayer is reversed on appeal, the department of retirement systems  
15 shall not be liable for payment made prior to the receipt of written  
16 notice of the reversal to a beneficiary other than the person whose  
17 conviction is reversed.

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

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