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**SUBSTITUTE SENATE BILL 5871**

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**State of Washington**

**53rd Legislature**

**1994 Regular Session**

**By** Senate Committee on Law & Justice (originally sponsored by Senators Roach, A. Smith, Hochstatter, Owen, McDonald, Pelz, Erwin, M. Rasmussen, Snyder, Loveland, Drew, Sellar, von Reichbauer, McCaslin and Oke)

Read first time 02/02/94.

1 AN ACT Relating to aggravated first degree murder; amending RCW  
2 10.95.020; and prescribing penalties.

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

4 **Sec. 1.** RCW 10.95.020 and 1981 c 138 s 2 are each amended to read  
5 as follows:

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

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

15 (2) At the time of the act resulting in the death, the person was  
16 serving a term of imprisonment, had escaped, or was on authorized or  
17 unauthorized leave in or from a state facility or program for the  
18 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 committed the murder to obtain membership in an  
8 organization or association;

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

12 ((+6)) (7) The victim was:

13 (a) A judge; juror or former juror; prospective, current, or former  
14 witness in an adjudicative proceeding; prosecuting attorney; deputy  
15 prosecuting attorney; defense attorney; a member of the (~~board of~~  
16 ~~prison terms and paroles~~) indeterminate sentence review board; or a  
17 probation or parole officer; and

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

20 ((+7)) (8) The person committed the murder to conceal the  
21 commission of a crime or to protect or conceal the identity of any  
22 person committing a crime;

23 ((+8)) (9) There was more than one victim and the murders were  
24 part of a common scheme or plan or the result of a single act of the  
25 person;

26 ((+9)) (10) The murder was committed in the course of, in  
27 furtherance of, or in immediate flight from one of the following  
28 crimes:

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

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

31 (c) Burglary in the first or second degree;

32 (d) Kidnapping in the first degree; ((or))

33 (e) Arson in the first degree; or

34 (f) Reckless endangerment in the first degree;

35 ((+10)) (11) The victim was regularly employed or self-employed as  
36 a newsreporter and the murder was committed to obstruct or hinder the  
37 investigative, research, or reporting activities of the victim.

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