

# FINAL BILL REPORT

## SSB 5278

---

C 44 L 95

Synopsis as Enacted

**Brief Description:** Revising provisions relating to awards to persons found not guilty by reason of self defense.

**Sponsors:** Senate Committee on Law & Justice (originally sponsored by Senators Wojahn, Oke, Gaspard, Winsley, Franklin, Long, Rasmussen and Wood).

**Senate Committee on Law & Justice**

**House Committee on Law & Justice**

**Background:** Washington law provides that no person shall be placed in legal jeopardy for acting in self-defense. If a criminal defendant is found not guilty based on self-defense, and the trier of fact finds self-defense was justified by a preponderance of the evidence, the state must pay all expenses incurred by the defendant in defending against the charge.

In some cases, defendants found not guilty based on self-defense were themselves engaged in criminal conduct at the time they defended themselves. For example, a defendant recently charged with murder and assault was acquitted based on self-defense. The trial court denied the defendant's recovery of expenses because on the day of the incident, the defendant had ingested cocaine and alcohol, armed himself with a loaded shotgun, and deliberately sought out a drug transaction in a high-crime area. When the drug deal went bad, a confrontation ensued and the defendant shot two people, wounding one and killing the other. The Court of Appeals reversed the trial court and awarded the expenses to the defendant based on the current Washington statute. Concern has been raised that this situation was not what the Legislature intended the self-defense reimbursement statute to cover.

**Summary:** The statute requiring the state to pay the legal expenses of a defendant found not guilty by reason of self-defense is amended. If the trier of fact finds that the defendant engaged in criminal conduct substantially related to the events giving rise to the charges filed against the defendant, the judge may deny or reduce the amount of expenses the state must pay.

**Votes on Final Passage:**

Senate	47	0
House	97	0

**Effective:** July 23, 1995