

2 HB 1297 - S AMD - 809  
3 By Senator Fairley

4 OUT OF ORDER 3/4/98

5 Strike everything after the enacting clause and insert the  
6 following:

7 "Sec. 1. RCW 10.95.020 and 1995 c 129 s 17 and 1994 c 121 s 3 are  
8 each reenacted and amended to read as follows:

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

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

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

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

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

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

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

34 (7) The murder was committed during the course of or as a result of  
35 a shooting where the discharge of the firearm, as defined in RCW  
36 9.41.010, is either from a motor vehicle or from the immediate area of

1 a motor vehicle that was used to transport the shooter or the firearm,  
2 or both, to the scene of the discharge;

3 (8) The victim was:

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

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

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

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

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

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

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

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

21 (d) Kidnapping in the first degree; or

22 (e) Arson in the first degree;

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

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

31 (14) At the time the person committed the murder, the person and  
32 the victim were "family or household members" as that term is defined  
33 in RCW 10.99.020(1), and the person had previously been convicted three  
34 or more times of any of the following crimes committed upon the victim  
35 within a five-year period:

36 (a) Harassment as defined in RCW 9A.46.020; or

37 (b) Any criminal assault."

1 **HB 1297** - S AMD - 609  
2 By Senator Fairley

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4 On page 1, line 2 of this title, after "murder;" strike the  
5 remainder of the title and insert "reenacting and amending RCW  
6 10.95.020; and prescribing penalties."

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