

2 SHB 2369 - S COMM AMD

3 By Committee on Law & Justice

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

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

9 (1) For purposes of this section, the following definitions shall
10 apply:

11 (a) "Slayer" means a slayer as defined in RCW 11.84.010.

12 (b) "Decedent" means any person whose life is taken by a slayer,
13 and who is entitled to benefits from the Washington state department of
14 retirement systems by written designation or by operation of law.

15 (2) Property that would have passed to or for the benefit of a
16 beneficiary under one of the retirement systems listed in RCW 41.50.030
17 shall not pass to that beneficiary if the beneficiary was a slayer of
18 the decedent and the property shall be distributed as if the slayer had
19 predeceased the decedent.

20 (3) A slayer is deemed to have predeceased the decedent as to
21 property which, by designation or by operation of law, would have
22 passed from the decedent to the slayer because of the decedent's
23 entitlement to benefits under one of the retirement systems listed in
24 RCW 41.50.030.

25 (4)(a) The department of retirement systems has no affirmative duty
26 to determine whether a beneficiary is, or is alleged to be, a slayer.
27 However, upon receipt of written notice that a beneficiary is a
28 defendant in a civil lawsuit that alleges the beneficiary is a slayer
29 or is charged with a crime that, if committed, means the beneficiary is
30 a slayer, the department of retirement systems shall determine whether
31 the beneficiary is a defendant in such a civil suit or has been
32 formally charged in court with the crime, or both. If so, the
33 department shall withhold payment of any benefits until:

34 (i) The case or charges, or both if both are pending, are
35 dismissed;

1 (ii) The beneficiary is found not guilty in the criminal case or
2 prevails in the civil suit, or both if both are pending; or

3 (iii) The beneficiary is convicted or is found to be a slayer in
4 the civil suit.

5 (b) If the case or charges, or both if both are pending, are
6 dismissed or if a beneficiary is found not guilty or prevails in the
7 civil suit, or both if both are pending, the department shall pay the
8 beneficiary the benefits the beneficiary is entitled to receive. If
9 the beneficiary is convicted or found to be a slayer in a civil suit,
10 the department shall distribute the benefits according to subsection
11 (2) of this section.

12 (5) The slayer's conviction for having participated in the willful
13 and unlawful killing of the decedent shall be admissible in evidence
14 against a claimant of property in any civil action arising under this
15 section.

16 (6) This section shall not subject the department of retirement
17 systems to liability for payment made to a slayer or alleged slayer
18 prior to the department's receipt of written notice that the slayer has
19 been convicted of, or the alleged slayer has been formally criminally
20 or civilly charged in court with, the death of the decedent. If the
21 conviction or civil judgment of a slayer is reversed on appeal, the
22 department of retirement systems shall not be liable for payment made
23 prior to the receipt of written notice of the reversal to a beneficiary
24 other than the person whose conviction or civil judgment is reversed.

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

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

32 **Sec. 3.** RCW 11.84.900 and 1965 c 145 s 11.84.900 are each amended
33 to read as follows:

34 This chapter shall ~~((not be considered penal in nature, but shall))~~
35 be construed broadly ~~((in order))~~ to effect the policy of this state
36 that no person shall be allowed to profit by his own wrong, wherever
37 committed.

1 **Sec. 4.** RCW 11.02.070 and 1967 c 168 s 1 are each amended to read
2 as follows:

3 Except as provided in sections 1 and 2 of this act, upon the death
4 of a decedent, a one-half share of the community property shall be
5 confirmed to the surviving spouse, and the other one-half share shall
6 be subject to testamentary disposition by the decedent, or shall
7 descend as provided in chapter 11.04 RCW. The whole of the community
8 property shall be subject to probate administration for all purposes of
9 this title, including the payment of obligations and debts of the
10 community, the award in lieu of homestead, the allowance for family
11 support, and any other matter for which the community property would be
12 responsible or liable if the decedent were living.

13 **Sec. 5.** RCW 26.16.120 and Code 1881 s 2416 are each amended to
14 read as follows:

15 Nothing contained in any of the provisions of this chapter or in
16 any law of this state, shall prevent the husband and wife from jointly
17 entering into any agreement concerning the status or disposition of the
18 whole or any portion of the community property, then owned by them or
19 afterwards to be acquired, to take effect upon the death of either.
20 But such agreement may be made at any time by the husband and wife by
21 the execution of an instrument in writing under their hands and seals,
22 and to be witnessed, acknowledged and certified in the same manner as
23 deeds to real estate are required to be, under the laws of the state,
24 and the same may at any time thereafter be altered or amended in the
25 same manner(~~(:— PROVIDED, HOWEVER, That)~~). Such agreement shall not
26 derogate from the right of creditors((~~7~~))i nor be construed to curtail
27 the powers of the superior court to set aside or cancel such agreement
28 for fraud or under some other recognized head of equity jurisdiction,
29 at the suit of either partyi nor prevent the application of laws
30 governing the community property and inheritance rights of slayers
31 under chapter 11.84 RCW.

32 NEW SECTION. **Sec. 6.** This act applies to acts that result in
33 unlawful killings of decedents by slayers on and after the effective
34 date of this act.

35 NEW SECTION. **Sec. 7.** If any part of this act is found to be in
36 conflict with federal requirements, the conflicting part of this act is

1 hereby declared to be inoperative solely to the extent of the conflict,
2 and such finding or determination does not affect the operation of the
3 remainder of this act. Rules adopted under this act must meet federal
4 requirements.

5 NEW SECTION. **Sec. 8.** This act is necessary for the immediate
6 preservation of the public peace, health, or safety, or support of the
7 state government and its existing public institutions, and takes effect
8 immediately."

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12 On page 1, line 1 of the title, after "slayers;" strike the
13 remainder of the title and insert "amending RCW 11.84.900, 11.02.070,
14 and 26.16.120; adding a new section to chapter 41.04 RCW; adding a new
15 section to chapter 11.84 RCW; creating new sections; and declaring an
16 emergency."

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