
Judiciary Committee

HB 2389

Title: An act relating to aggravated multiple murder cases.

Brief Description: Concerning aggravated multiple murder cases.

Sponsors: Representatives Carrell, Boldt, Ahern, Mielke, Pearson, Bush, Kristiansen, Talcott, McMahan, Cox, Orcutt and Campbell.

Brief Summary of Bill
<ul style="list-style-type: none">Amends the aggravated first-degree murder statute when there is more than one victim to remove the requirement that the murders were a part of a common scheme or plan or a single act, and to apply regardless of when or where the murders occurred.

Hearing Date: 1/23/04

Staff: Edie Adams (786-7180).

Background:

Aggravated first degree murder means premeditated first-degree murder when any of a specified list of aggravating circumstances exists. Examples of aggravating circumstances include:

- The victim was a police officer performing official duties;
- The murder was committed in the course of, in furtherance of, or in immediate flight from certain crimes, such as first- or second-degree robbery, rape or burglary;
- The murder was committed to conceal the commission of a crime; and
- There was more than one victim and the murders were part of a common scheme or plan, or the result of a single act.

For purpose of the multiple victim aggravating factor, "common scheme or plan" has been interpreted broadly by the Washington Supreme Court to require a "nexus" between the killings. This nexus may exist when an overarching criminal plan connects the murders. *State v. Finch*. The Court has stated that it is not necessary to show a plan to kill the named individuals or even that the killings be committed for precisely the same reasons, only that the killings are "connected by a larger criminal purpose." *State v. Pirtle*. The Court has described the "single act" requirement as applying to multiple murders in the course of a very short period of time involving one continuous act. *State v. Guloy*.

A person convicted of aggravated first degree murder is subject to either life imprisonment without the possibility of release or a sentence of death.

Summary of Bill:

The crime of aggravated first-degree murder when there is more than one victim is amended so that it applies regardless of: (1) when the murders occurred; (2) whether the murders occurred in one or more jurisdictions; and (3) whether the murders were a part of a common scheme or plan or a single or multiple acts of the defendant.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect on July 1, 2004.