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SENATE BILL 5820

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State of Washington                      61st Legislature                      2009 Regular Session

By Senators Benton, Roach, Oemig, Swecker, McCaslin, Hobbs, and Shin

Read first time 02/03/09. Referred to Committee on Judiciary.

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 2003 c 53 s 96 are each amended to read  
5 as follows:

6            A person is guilty of aggravated first degree murder, a class A  
7 felony, if he or she commits first degree murder as defined by RCW  
8 9A.32.030(1)(a), as now or hereafter amended, and one or more of the  
9 following aggravating 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 solicited another person to commit the murder and  
8 had paid or had agreed to pay money or any other thing of value for  
9 committing the murder;

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

13 (7) The murder was committed during the course of or as a result of  
14 a shooting where the discharge of the firearm, as defined in RCW  
15 9.41.010, is either from a motor vehicle or from the immediate area of  
16 a motor vehicle that was used to transport the shooter or the firearm,  
17 or both, to the scene of the discharge;

18 (8) The victim was:

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

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

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

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

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

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

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

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

36 (d) Kidnapping in the first degree; or

37 (e) Arson in the first degree;

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

4           (13) At the time the person committed the murder, there existed a  
5 court order, issued in this or any other state, which prohibited the  
6 person from either contacting the victim, molesting the victim, or  
7 disturbing the peace of the victim, and the person had knowledge of the  
8 existence of that order;

9           (14) At the time the person committed the murder, the person and  
10 the victim were "family or household members" as that term is defined  
11 in RCW 10.99.020(~~(+1)~~) (3), and the person had previously engaged in  
12 a pattern or practice of three or more of the following crimes  
13 committed upon the victim within a five-year period, regardless of  
14 whether a conviction resulted:

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

16           (b) Any criminal assault;

17           (15) The victim was fourteen years of age or younger.

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