
SENATE BILL 6309

State of Washington 61st Legislature 2010 Regular Session

By Senators Carrell, King, and Roach

Read first time 01/12/10. Referred to Committee on Judiciary.

1 AN ACT Relating to including persons acquitted by reason of
2 insanity within the slayer statute; and amending RCW 11.84.010,
3 11.84.130, 11.84.140, and 41.04.273.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 11.84.010 and 2009 c 525 s 1 are each amended to read
6 as follows:

7 As used in this chapter:

8 (1) "Abuser" means any person who participates, either as a
9 principal or an accessory before the fact, in the willful and unlawful
10 financial exploitation of a vulnerable adult.

11 (2) "Decedent" means:

12 (a) Any person whose life is taken by a slayer; or

13 (b) Any deceased person who, at any time during life in which he or
14 she was a vulnerable adult, was the victim of financial exploitation by
15 an abuser.

16 (3) "Financial exploitation" has the same meaning as provided in
17 RCW 74.34.020, as enacted or hereafter amended.

18 (4) "Property" includes any real and personal property and any
19 right or interest therein.

1 (5) "Slayer" means any person who participates, either as a
2 principal or an accessory before the fact, in the willful and unlawful
3 killing of any other person. A person who is acquitted by reason of
4 insanity of the killing of a person is deemed to be a slayer within the
5 meaning of this chapter.

6 (6) "Vulnerable adult" has the same meaning as provided in RCW
7 74.34.020.

8 **Sec. 2.** RCW 11.84.130 and 2009 c 525 s 13 are each amended to read
9 as follows:

10 Any record of conviction or acquittal by reason of insanity for
11 having participated in the willful and unlawful killing of the decedent
12 or for conduct constituting financial exploitation against the
13 decedent, including but not limited to theft, forgery, fraud, identity
14 theft, robbery, burglary, or extortion, shall be admissible in evidence
15 against a claimant of property in any civil proceeding arising under
16 this chapter.

17 **Sec. 3.** RCW 11.84.140 and 2009 c 525 s 14 are each amended to read
18 as follows:

19 (1) A final judgment of conviction or acquittal by reason of
20 insanity for the willful and unlawful killing of the decedent is
21 conclusive for purposes of determining whether a person is a slayer
22 under this section.

23 (2) In the absence of a criminal conviction or acquittal by reason
24 of insanity, a superior court finding by a preponderance of the
25 evidence that a person participated in the willful and unlawful killing
26 of the decedent is conclusive for purposes of determining whether a
27 person is a slayer under this section.

28 **Sec. 4.** RCW 41.04.273 and 2009 c 525 s 19 are each amended to read
29 as follows:

30 (1) For purposes of this section, the following definitions shall
31 apply:

32 (a) "Abuser" has the same meaning as provided in RCW 11.84.010.

33 (b) "Decedent" means any person who is entitled to benefits from
34 the Washington state department of retirement systems by written
35 designation or by operation of law:

1 (i) Whose life is taken by a slayer; or

2 (ii) Who is deceased and who, at any time during life in which he
3 or she was a vulnerable adult, was the victim of financial exploitation
4 by an abuser, except as provided in RCW 11.84.170.

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

6 (2) Property that would have passed to or for the benefit of a
7 beneficiary under one of the retirement systems listed in RCW 41.50.030
8 shall not pass to that beneficiary if the beneficiary was a slayer or
9 abuser of the decedent and the property shall be distributed as if the
10 slayer or abuser had predeceased the decedent.

11 (3) A slayer or abuser is deemed to have predeceased the decedent
12 as to property which, by designation or by operation of law, would have
13 passed from the decedent to the slayer or abuser because of the
14 decedent's entitlement to benefits under one of the retirement systems
15 listed in RCW 41.50.030.

16 (4)(a) The department of retirement systems has no affirmative duty
17 to determine whether a beneficiary is, or is alleged to be, a slayer or
18 abuser. However, upon receipt of written notice that a beneficiary is
19 a defendant in a civil lawsuit or probate proceeding that alleges the
20 beneficiary is a slayer or abuser, or is charged with a crime that, if
21 committed, means the beneficiary is a slayer or abuser, the department
22 of retirement systems shall determine whether the beneficiary is a
23 defendant in such a civil proceeding or has been formally charged in
24 court with the crime, or both. If so, the department shall withhold
25 payment of any benefits until:

26 (i) The case or charges, or both if both are pending, are
27 dismissed;

28 (ii) The beneficiary is found not guilty in the criminal case or
29 prevails in the civil proceeding, or both if both are pending; or

30 (iii) The beneficiary is convicted or acquitted by reason of
31 insanity, or is found to be a slayer or abuser in the civil proceeding.

32 (b) If the case or charges, or both if both are pending, are
33 dismissed or if a beneficiary is found not guilty or prevails in the
34 civil proceeding, or both if both are pending, the department shall pay
35 the beneficiary the benefits the beneficiary is entitled to receive.
36 If the beneficiary is convicted, acquitted by reason of insanity, or
37 found to be a slayer or abuser in a civil proceeding, the department

1 shall distribute the benefits according to subsection (2) of this
2 section.

3 (5) Any record of conviction or acquittal by reason of insanity for
4 having participated in the willful and unlawful killing of the decedent
5 or for conduct constituting financial exploitation against the
6 decedent, including but not limited to theft, forgery, fraud, identity
7 theft, robbery, burglary, or extortion, shall be admissible in evidence
8 against a claimant of property in any civil action arising under this
9 section.

10 (6) In the absence of a criminal conviction or acquittal by reason
11 of insanity, a superior court may determine:

12 (a) By a preponderance of the evidence whether a person
13 participated in the willful and unlawful killing of the decedent;

14 (b) By clear, cogent, and convincing evidence whether a person
15 participated in conduct constituting financial exploitation against the
16 decedent, as provided in chapter 11.84 RCW.

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

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