
Judiciary Committee

ESB 6091

Title: An act relating to the definition of slayer.

Brief Description: Changing the definition of slayer.

Sponsors: Senators Dammeier, O'Ban, Conway and Becker.

Brief Summary of Engrossed Bill

- Includes persons found not guilty by reason of insanity of killing another person in the statutory definition of "slayer," prohibiting those persons from inheriting property or receiving any other benefit as a result of the deceased person's death.

Hearing Date: 2/18/16

Staff: Omeara Harrington (786-7136).

Background:

Inheritance Rights of Slayers and Abusers.

No slayer or abuser of a deceased person may, in any way, acquire any property or receive any benefit as the result of the person's death. "Abusers" include persons who participate, either as a principal or an accessory before the fact, in the willful and unlawful financial exploitation of a vulnerable adult. A "slayer" is a person who participates, either as a principal or an accessory before the fact, in the willful and unlawful killing of the decedent.

A final judgment of conviction for the willful and unlawful killing of the decedent is conclusive for purposes of determining whether a person is a slayer. In the absence of a criminal conviction, a superior court finding by a preponderance of the evidence that a person participated in the willful and unlawful killing of the decedent establishes the person as a slayer.

A slayer or abuser is legally presumed to have predeceased the decedent as to property or benefits that would have passed from the decedent to the slayer or abuser. In situations in which

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the slayer or abuser and the decedent have joint interest in property, special instructions are provided to prevent the slayer or abuser from benefitting from the decedent's death.

Acquittal on Grounds of Insanity.

A criminal defendant who successfully asserts an insanity defense must be acquitted of the criminal charge. A person is considered insane in a criminal case if he or she was, at the time of the act underlying the charge, unable to perceive the nature and quality of the act or unable to tell right from wrong with respect to the particular act because of a mental disease or defect. Insanity must be proven by a preponderance of the evidence.

Summary of Bill:

Persons found not guilty by reason of insanity of a criminal offense constituting participation, either as a principal or an accessory before the fact, in the willful and unlawful killing of any other person, are considered "slayers" for purposes of the slayer statute, and may not inherit any property or receive any benefit as a result of the death.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.