

SENATE BILL REPORT

SHB 2246

AS REPORTED BY COMMITTEE ON WAYS & MEANS, FEBRUARY 20, 1992

Brief Description: Denying retirement system beneficiary benefits to slayers.

SPONSORS: House Committee on Appropriations (originally sponsored by Representatives Spanel, McLean, Hine, Dellwo, D. Sommers, Wynne and May; by request of Department of Retirement Systems)

HOUSE COMMITTEE ON APPROPRIATIONS

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass.

Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, M. Kreidler, Metcalf, Murray, Newhouse, Rinehart, Saling, West, Williams, and Wojahn.

Staff: Denise Graham (786-7715)

Hearing Dates: February 19, 1992; February 20, 1992

BACKGROUND:

There is an established policy in Washington law that a person not gain from the willful killing, or slaying, of another person. Statutes in Chapter 11.84 RCW provide that a slayer may not inherit property or insurance proceeds from the person he or she killed, otherwise referred to as the decedent. However, the statutes do not specifically prohibit a slayer from being entitled to benefits payable from the state's retirement systems, if the decedent was a member of the retirement systems and the slayer is a designated beneficiary.

SUMMARY:

A slayer is defined as a person who participates in the willful killing of a member of one of the state's retirement systems. A decedent is defined as a person whose life is taken by a slayer and who is entitled to benefits from one of the state's retirement systems.

Benefits payable from any of the state's retirement systems that would ordinarily, through law or designation, have passed to a slayer, will pass to the decedent's next beneficiary if the slayer is convicted of the killing.

Upon receipt of a written notice and verification that a beneficiary is formally charged with being a slayer, the Department of Retirement Systems is to withhold payment of any benefits until: (a) the charges are dropped, (b) the person

charged is found not guilty, or (c) the person charged is convicted. If the charges are dropped or the beneficiary is found not guilty, the department pays the benefits to the beneficiary. If the slayer is convicted, the benefits go to the next beneficiary.

The department has no duty to determine whether a beneficiary is a slayer and is not subject to liability should benefits payments be made prior to written notification that the recipient is charged with or convicted of being a slayer. The department is also not liable for payments made to a subsequent beneficiary prior to receipt of written notice that a slayer's conviction has been reversed on appeal.

Appropriation: none

Revenue: none

Fiscal Note: available

TESTIMONY FOR:

This bill would relieve uncertainties as to whether someone who is convicted of slaying a member of any of the public employee retirement systems is entitled to receive the decedent's pension benefits.

TESTIMONY AGAINST: None

TESTIFIED: Paul Neal, Department of Retirement Systems (pro)