
HOUSE BILL 2246

State of Washington

52nd Legislature

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By Representatives Spanel, McLean, Hine, Dellwo, D. Sommers, Wynne and May; by request of Department of Retirement Systems

Prefiled 12/18/91. Read first time 01/13/92. Referred to Committee on Appropriations.

1 AN ACT Relating to denial of retirement system beneficiary benefits
2 for slayers; adding a new section to chapter 41.04 RCW; and adding a
3 new section to chapter 11.84 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 41.04 RCW
6 to read as follows:

7 (1) Property that would have passed to or for the benefit of a
8 slayer under one of the retirement systems listed in RCW 41.50.030
9 shall be distributed as if the slayer had predeceased the decedent.

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

1 (3) The department of retirement systems has no affirmative duty to
2 determine whether a beneficiary is, or is alleged to be, a slayer.
3 However, upon receipt of written notice that a beneficiary is charged
4 with being the slayer of a decedent, the department of retirement
5 systems shall withhold payment of any benefits until:

6 (a) The charges are dropped;

7 (b) The person charged is found not guilty; or

8 (c) The person charged is convicted.

9 (4) The record of the slayer's conviction of having participated in
10 the willful and unlawful killing of the decedent shall be admissible in
11 evidence against a claimant of property in any civil action arising
12 under this section.

13 (5) For purposes of this section, the following definitions shall
14 apply:

15 (a) "Slayer" means any person convicted of participation, either as
16 a principal or an accessory before the fact, in the willful and
17 unlawful killing of the decedent.

18 (b) "Decedent" means any person whose life is so taken, and who is
19 a member of, or entitled to benefits from, the Washington state
20 department of retirement systems by written designation or by operation
21 of law.

22 (6) This section shall not be considered penal in nature, but shall
23 be construed broadly in order to effect the policy of this state that
24 no person shall be allowed to profit by his or her own wrong, wherever
25 committed.

26 (7) This section shall not subject the department of retirement
27 systems to additional liability if payment is made to a slayer or
28 alleged slayer prior to the department's receipt of written notice that
29 the slayer has been convicted of, or the alleged slayer has been
30 charged in, the death of the decedent.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 11.84 RCW
2 to read as follows:

3 Proceeds payable to the slayer as the beneficiary of any benefits
4 flowing from one of the retirement systems listed in RCW 41.50.030, by
5 virtue of the decedent's membership in the department of retirement
6 systems or by virtue of the death of decedent, shall be paid instead as
7 designated in section 1 of this act.