

SENATE BILL 5048

State of Washington

52nd Legislature

1991 Regular Session

By Senators Madsen, Rasmussen, Sutherland, A. Smith and Conner.

Read first time January 17, 1991. Referred to Committee on Law & Justice.

1 AN ACT Relating to the death penalty for crimes committed in
2 furtherance of serious violations of the uniform controlled substances
3 act; and amending RCW 10.95.020.

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

5 **Sec. 1.** RCW 10.95.020 and 1981 c 138 s 2 are each amended to read
6 as follows:

7 A person is guilty of aggravated first degree murder if he or she
8 commits first degree murder as defined by RCW 9A.32.030(1)(a), as now
9 or hereafter amended, and one or more of the following aggravating
10 circumstances exist:

11 (1) The victim was a law enforcement officer, corrections officer,
12 or fire fighter who was performing his or her official duties at the
13 time of the act resulting in death and the victim was known or

1 reasonably should have been known by the person to be such at the time
2 of the killing;

3 (2) At the time of the act resulting in the death, the person was
4 serving a term of imprisonment, had escaped, or was on authorized or
5 unauthorized leave in or from a state facility or program for the
6 incarceration or treatment of persons adjudicated guilty of crimes;

7 (3) At the time of the act resulting in death, the person was in
8 custody in a county or county-city jail as a consequence of having been
9 adjudicated guilty of a felony;

10 (4) The person committed the murder pursuant to an agreement that
11 he or she would receive money or any other thing of value for
12 committing the murder;

13 (5) The person solicited another person to commit the murder and
14 had paid or had agreed to pay money or any other thing of value for
15 committing the murder;

16 (6) The victim was:

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

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

24 (7) The person committed the murder to conceal the commission of a
25 crime or to protect or conceal the identity of any person committing a
26 crime;

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

29 (9) The murder was committed in the course of, in furtherance of,
30 or in immediate flight from one of the following crimes:

- 1 (a) Robbery in the first or second degree;
- 2 (b) Rape in the first or second degree;
- 3 (c) Burglary in the first or second degree;
- 4 (d) Kidnapping in the first degree; (~~or~~)
- 5 (e) Arson in the first degree; or
- 6 (f) A violation of the uniform controlled substances act under RCW
- 7 69.50.401(a)(1)(i) and/or (b)(1)(i);

8 (10) The victim was regularly employed or self-employed as a
9 newsreporter and the murder was committed to obstruct or hinder the
10 investigative, research, or reporting activities of the victim.