

1 5186-S AMS SMIA MCBR 01

2 SSB 5186 - S AMD

3 By Senators A. Smith and von Reichbauer

4 On page 1, line 6, after "who" and before "performs" insert
5 "unreasonably"

6 On page 1, line 16, strike all material beginning with "In" down
7 through and including the period on page 2, line 2.

8 **EFFECT:** These amendments incorporate unreasonableness of the
9 defendant's behavior as an element of the crime to be proven by the
10 prosecution, rather than putting the burden of proof on the defendant
11 to prove reasonable conduct. Intention to harm would be one of the
12 aspects of reasonableness to be considered.

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15 On page 1, line 7, after "or" strike "an" and insert "a medically
16 or judicially determined"

17 **EFFECT:** The amendment clarifies the definition of
18 "incompetent", which does not appear in chapter 9A.40 RCW.

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