

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1394

Chapter 60, Laws of 1999

56th Legislature
1999 Regular Session

DEFENSE OF DURESS--HOMICIDE BY ABUSE

EFFECTIVE DATE: 7/25/99

Passed by the House March 8, 1999
Yeas 97 Nays 0

CLYDE BALLARD
**Speaker of the House of
Representatives**

FRANK CHOPP
**Speaker of the House of
Representatives**

Passed by the Senate April 7, 1999
Yeas 47 Nays 0

BRAD OWEN
President of the Senate

Approved April 21, 1999

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

We, Dean R. Foster and Timothy A. Martin, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1394** as passed by the House of Representatives and the Senate on the dates hereon set forth.

DEAN R. FOSTER
Chief Clerk

TIMOTHY A. MARTIN
Chief Clerk

FILED

April 21, 1999 - 3:08 p.m.

**Secretary of State
State of Washington**

HOUSE BILL 1394

Passed Legislature - 1999 Regular Session

State of Washington 56th Legislature 1999 Regular Session

By Representatives Hurst, Constantine, Lambert, Sheahan, McDonald,
Lovick, H. Sommers, Dickerson, Kenney and Esser

Read first time 01/22/1999. Referred to Committee on Judiciary.

1 AN ACT Relating to the duress defense; and amending RCW 9A.16.060.

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

3 **Sec. 1.** RCW 9A.16.060 and 1975 1st ex.s. c 260 s 9A.16.060 are
4 each amended to read as follows:

5 (1) In any prosecution for a crime, it is a defense that:

6 (a) The actor participated in the crime under compulsion by another
7 who by threat or use of force created an apprehension in the mind of
8 the actor that in case of refusal he or she or another would be liable
9 to immediate death or immediate grievous bodily injury; and

10 (b) That such apprehension was reasonable upon the part of the
11 actor; and

12 (c) That the actor would not have participated in the crime except
13 for the duress involved.

14 (2) The defense of duress is not available if the crime charged is
15 murder (~~(or)~~), manslaughter, or homicide by abuse.

16 (3) The defense of duress is not available if the actor
17 intentionally or recklessly places himself or herself in a situation in
18 which it is probable that he or she will be subject to duress.

1 (4) The defense of duress is not established solely by a showing
2 that a married person acted on the command of his or her spouse.

Passed the House March 8, 1999.

Passed the Senate April 7, 1999.

Approved by the Governor April 21, 1999.

Filed in Office of Secretary of State April 21, 1999.