
HOUSE BILL 2315

State of Washington

58th Legislature

2004 Regular Session

By Representatives Carrell, McMahan, Clements and Campbell

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Committee on Judiciary.

1 AN ACT Relating to prohibiting plea bargains in multiple capital
2 murder cases; amending RCW 10.95.020; adding new sections to chapter
3 10.95 RCW; prescribing penalties; and providing an effective date.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 10.95 RCW
6 to read as follows:

7 State law provides that persons are guilty of aggravated first
8 degree murder if, with a premeditated intent to cause the death of
9 another person, they cause the death of such person or of a third
10 person, and there was more than one victim, and the murders were part
11 of a common scheme or plan, or the result of a single act of such
12 persons.

13 As criminal courts become ever more crowded and overburdened,
14 prosecutors and judges feel increased pressure to move cases quickly
15 through the system, thus many criminal cases are settled by plea
16 bargains. Plea bargains are agreements made between defendants and
17 prosecutors whereby defendants plead guilty or no contest to certain
18 criminal charges and prosecutors agree to drop some charges, reduce

1 certain charges, or recommend that judges enter specific sentences that
2 are acceptable to the defendants.

3 The legislature finds that plea bargains in multiple capital murder
4 cases are not appropriate and deny justice to the victims, their
5 families and friends, and the community at large. The legislature
6 further finds that no plea bargains should be made in multiple capital
7 murder cases, that defendants in such cases should be tried, and that
8 if such defendants are found guilty the death penalty should be
9 presented as an option to the jury.

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 10.95 RCW
11 to read as follows:

12 A plea bargain is not allowed in any capital murder case where a
13 defendant has, or is alleged to have, with a premeditated intent to
14 cause the death of another person, caused the death of such person or
15 of a third person, and there was more than one victim.

16 Upon conviction in multiple capital murder cases, prosecutors shall
17 seek the maximum penalty available under the law.

18 **Sec. 3.** RCW 10.95.020 and 2003 c 53 s 96 are each amended to read
19 as follows:

20 A person is guilty of aggravated first degree murder, a class A
21 felony, if he or she commits first degree murder as defined by RCW
22 9A.32.030(1)(a), as now or hereafter amended, and one or more of the
23 following aggravating circumstances exist:

24 (1) The victim was a law enforcement officer, corrections officer,
25 or fire fighter who was performing his or her official duties at the
26 time of the act resulting in death and the victim was known or
27 reasonably should have been known by the person to be such at the time
28 of the killing;

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

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

- 1 (4) The person committed the murder pursuant to an agreement that
2 he or she would receive money or any other thing of value for
3 committing the murder;
- 4 (5) The person solicited another person to commit the murder and
5 had paid or had agreed to pay money or any other thing of value for
6 committing the murder;
- 7 (6) The person committed the murder to obtain or maintain his or
8 her membership or to advance his or her position in the hierarchy of an
9 organization, association, or identifiable group;
- 10 (7) The murder was committed during the course of or as a result of
11 a shooting where the discharge of the firearm, as defined in RCW
12 9.41.010, is either from a motor vehicle or from the immediate area of
13 a motor vehicle that was used to transport the shooter or the firearm,
14 or both, to the scene of the discharge;
- 15 (8) The victim was:
- 16 (a) A judge; juror or former juror; prospective, current, or former
17 witness in an adjudicative proceeding; prosecuting attorney; deputy
18 prosecuting attorney; defense attorney; a member of the indeterminate
19 sentence review board; or a probation or parole officer; and
- 20 (b) The murder was related to the exercise of official duties
21 performed or to be performed by the victim;
- 22 (9) The person committed the murder to conceal the commission of a
23 crime or to protect or conceal the identity of any person committing a
24 crime, including, but specifically not limited to, any attempt to avoid
25 prosecution as a persistent offender as defined in RCW 9.94A.030;
- 26 (10) There was more than one victim (~~and~~), regardless of when the
27 murders occurred, whether the murders occurred in one or more
28 jurisdictions, or whether the murders were part of a common scheme or
29 plan or the result of a single act or multiple acts of the person;
- 30 (11) The murder was committed in the course of, in furtherance of,
31 or in immediate flight from one of the following crimes:
- 32 (a) Robbery in the first or second degree;
- 33 (b) Rape in the first or second degree;
- 34 (c) Burglary in the first or second degree or residential burglary;
- 35 (d) Kidnapping in the first degree; or
- 36 (e) Arson in the first degree;
- 37 (12) The victim was regularly employed or self-employed as a

1 newsreporter and the murder was committed to obstruct or hinder the
2 investigative, research, or reporting activities of the victim;

3 (13) At the time the person committed the murder, there existed a
4 court order, issued in this or any other state, which prohibited the
5 person from either contacting the victim, molesting the victim, or
6 disturbing the peace of the victim, and the person had knowledge of the
7 existence of that order;

8 (14) At the time the person committed the murder, the person and
9 the victim were "family or household members" as that term is defined
10 in RCW 10.99.020(1), and the person had previously engaged in a pattern
11 or practice of three or more of the following crimes committed upon the
12 victim within a five-year period, regardless of whether a conviction
13 resulted:

14 (a) Harassment as defined in RCW 9A.46.020; or

15 (b) Any criminal assault.

16 NEW SECTION. **Sec. 4.** This act takes effect July 1, 2004.

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