**5339 AMH SHEA H2808.1 - NOT FOR FLOOR USE**

**SB 5339** - H AMD **718**

By Representative Shea

**NOT CONSIDERED 12/23/2019**

Beginning on page 1, line 9, strike all of sections 1 and 2 and insert the following:

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

(1) Except as provided in this section, the attorney general has exclusive authority to initiate and conduct prosecutions for the crime of aggravated first degree murder under this chapter. Where appropriate, the attorney general has the authority to also initiate and conduct prosecutions for other criminal offenses in the same information filed for aggravated first degree murder.

(2) When a county prosecuting attorney or local law enforcement agency discovers evidence of aggravated first degree murder, the county prosecuting attorney shall submit a written report to the attorney general. The county prosecuting attorney and local law enforcement agency shall provide the attorney general with access to relevant reports and evidence. Upon the request of the attorney general, the county prosecuting attorney and local law enforcement agency shall provide investigatory assistance necessary for pursuing charges under this chapter.

(3) At the request of the county prosecuting attorney, the attorney general may authorize the county prosecuting attorney to initiate and conduct a prosecution under this chapter for a case arising in the relevant county. When granting authorization, the attorney general shall specify whether the county prosecuting attorney may file notice of a special sentencing proceeding and pursue the death penalty. When filing an information for charges under this chapter, the county prosecuting attorney shall file a copy of the written authorization with the court.

(4) If the attorney general finds insufficient evidence to support filing of charges under this chapter, or otherwise finds that filing of such charges is not appropriate, the attorney general may refer the case to the county prosecuting attorney for the prosecution of other applicable offenses."

Correct the title.

EFFECT: (1) Restores the statutory authority for imposing the death penalty for convictions of aggravated first degree murder.

(2) Provides the Attorney General with the exclusive authority to conduct prosecutions for aggravated first degree murder, except where he or she designates a county prosecuting attorney to do so. Requires the Attorney General, if authorizing a county to conduct a prosecution, to specify whether the county prosecuting attorney may pursue the death penalty.

(3) Requires a county prosecuting attorney to submit a report to the Attorney General if evidence of aggravated first degree murder is discovered, and requires the county to provide investigatory assistance to the Attorney General upon request.

(4) Provides that if the Attorney General finds insufficient evidence to support filing of charges, or otherwise finds that the filing of such charges is not appropriate, he or she may refer the case to the county prosecuting attorney for the prosecution of other applicable offenses.