

**SB 5339 - H AMD 718**

By Representative Shea

**NOT CONSIDERED 12/23/2019**

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

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 10.95  
4 RCW to read as follows:

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

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

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

29 (4) If the attorney general finds insufficient evidence to  
30 support filing of charges under this chapter, or otherwise finds that  
31 filing of such charges is not appropriate, the attorney general may

1 refer the case to the county prosecuting attorney for the prosecution  
2 of other applicable offenses."

3 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.

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