
SUBSTITUTE SENATE BILL 6181

State of Washington

53rd Legislature

1994 Regular Session

By Senate Committee on Law & Justice (originally sponsored by Senators Haugen, Winsley, M. Rasmussen, Moyer, Oke and Roach)

Read first time 02/04/94.

1 AN ACT Relating to murder of an unborn viable child resulting from
2 the injury or death of the child's mother; amending RCW 9A.32.050 and
3 9A.32.060; and prescribing penalties.

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

5 **Sec. 1.** RCW 9A.32.050 and 1975-'76 2nd ex.s. c 38 s 4 are each
6 amended to read as follows:

7 (1) A person is guilty of murder in the second degree when:

8 (a) With intent to cause the death of another person but without
9 premeditation, he or she causes the death of such person or of a third
10 person; or

11 (b) He or she commits or attempts to commit any felony other than
12 those enumerated in RCW 9A.32.030(1)(c), and, in the course of and in
13 furtherance of such crime or in immediate flight therefrom, he or she,
14 or another participant, causes the death of a person other than one of
15 the participants; except that in any prosecution under this
16 ((subdivision)) subsection (1)(b) in which the defendant was not the
17 only participant in the underlying crime, if established by the
18 defendant by a preponderance of the evidence, it is a defense that the
19 defendant:

1 (i) Did not commit the homicidal act or in any way solicit,
2 request, command, importune, cause, or aid the commission thereof; and

3 (ii) Was not armed with a deadly weapon, or any instrument,
4 article, or substance readily capable of causing death or serious
5 physical injury; and

6 (iii) Had no reasonable grounds to believe that any other
7 participant was armed with such a weapon, instrument, article, or
8 substance; and

9 (iv) Had no reasonable grounds to believe that any other
10 participant intended to engage in conduct likely to result in death or
11 serious physical injury; or

12 (c) He or she intentionally and unlawfully causes the death of an
13 unborn quick child by inflicting any injury upon the mother of such
14 child.

15 (2) Murder in the second degree is a class A felony.

16 **Sec. 2.** RCW 9A.32.060 and 1975 1st ex.s. c 260 s 9A.32.060 are
17 each amended to read as follows:

18 (1) A person is guilty of manslaughter in the first degree when(~~+~~
19 ~~(a)~~) he or she recklessly causes the death of another person(~~+~~
20 ~~(b)~~ ~~He intentionally and unlawfully kills an unborn quick child by~~
21 ~~inflicting any injury upon the mother of such child~~)).

22 (2) Manslaughter in the first degree is a class B felony.

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