

HOUSE BILL REPORT

HB 2246

*As Reported By House Committee on:
Appropriations*

Title: An act relating to denial of retirement system beneficiary benefits for slayers.

Brief Description: Denying retirement system beneficiary benefits to slayers.

Sponsor(s): Representatives Spanel, McLean, Hine, Dellwo, D. Sommers, Wynne and May; by request of Department of Retirement Systems.

Brief History:

Reported by House Committee on:
Appropriations, February 4, 1992, DPS.

**HOUSE COMMITTEE ON
APPROPRIATIONS**

Majority Report: *The substitute bill be substituted therefor and the substitute bill do pass.* Signed by 25 members: Representatives Locke, Chair; Inslee, Vice Chair; Spanel, Vice Chair; Silver, Ranking Minority Member; Morton, Assistant Ranking Minority Member; Belcher; Bowman; Braddock; Carlson; Dorn; Ferguson; Fuhrman; Hine; Lisk; Mielke; Nealey; Peery; Pruitt; Rust; D. Sommers; H. Sommers; Sprenkle; Valle; Vance; and Wang.

Minority Report: *Without recommendation.* Signed by 1 member: Representative Brekke.

Staff: Barbara McLain (786-7153).

Background: There is an established policy in Washington law that a person not gain from the willful killing, or slaying, of another person. Statutes in Chapter 11.84 RCW provide that a slayer may not inherit property or insurance proceeds from the person he or she killed, otherwise referred to as the decedent. However, the statutes do not specifically prohibit a slayer from being entitled to benefits payable from the state's retirement systems, if the decedent was a member of the retirement systems and the slayer is a designated beneficiary.

Summary of Substitute Bill: A slayer is defined as a person who participates in the willful killing of a member of one of the state's retirement systems. A decedent is defined as a person whose life is taken by a slayer and who is entitled to benefits from one of the state's retirement systems.

Benefits payable from any of the state's retirement systems that would ordinarily, through law or designation, have passed to a slayer, will pass to the decedent's next beneficiary if the slayer is convicted of the killing.

Upon receipt of a written notice and verification that a beneficiary is formally charged with being a slayer, the Department of Retirement Systems is to withhold payment of any benefits until: (a) the charges are dropped, (b) the person charged is found not guilty, or (c) the person charged is convicted. If the charges are dropped or the beneficiary is found not guilty, the department pays the benefits to the beneficiary. If the slayer is convicted, the benefits go to the next beneficiary.

The department has no duty to determine whether a beneficiary is a slayer and is not subject to liability should benefits payments be made prior to written notification that the recipient is charged with or convicted of being a slayer. The department is also not liable for payments made to a subsequent beneficiary prior to receipt of written notice that a slayer's conviction has been reversed on appeal.

Substitute Bill Compared to Original Bill: The definition of slayer is made consistent with current slayer statutes, which do not require the slayer to be convicted. The department must verify that an alleged slayer has been formally charged in court before withholding benefits payments. If the charges are dropped or the beneficiary is found not guilty, the department makes payments to the beneficiary. If the beneficiary, the slayer, is convicted, payments go to the decedent's next beneficiary. The department is not liable for payments made to a subsequent beneficiary prior to receipt of written notice that a slayer's conviction has been reversed on appeal.

Fiscal Note: Available.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill is needed so that a slayer of a retirement system member cannot profit from such a crime.

This is consistent with current law, but the current law is not specific enough to cover pension benefits.

Testimony Against: None.

Witnesses: Paul Neal, Department of Retirement Systems.