

SENATE BILL REPORT

SB 5871

AS PASSED SENATE, FEBRUARY 15, 1994

Brief Description: Modifying the definition of aggravated first degree murder.

SPONSORS: Senators Roach, A. Smith, Hochstatter, Owen, McDonald, Pelz, Erwin, M. Rasmussen, Snyder, Loveland, Drew, Sellar, von Reichbauer, McCaslin and Oke

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5871 be substituted therefor, and the substitute bill do pass.

Signed by Senators A. Smith, Chairman; Ludwig, Vice Chairman; Hargrove, Nelson, Quigley, Roach, Schow and Spanel.

Staff: Martin Lovinger (786-7443)

Hearing Dates: January 11, 1994; February 1, 1994

BACKGROUND:

There is a growing awareness that violence in society is increasing in quantity and severity. Much of the increased violence seems to be connected to gang activity. In addition, the violence appears to be more random than in the past. The growth of gang activity is perceived as encouraging violence among those who otherwise would not participate or have the means to participate in such activities. The randomness of the violence is even more frightening since it is harder to avoid.

Under current law, aggravated first degree murder is the most serious crime and carries the most severe criminal penalties. To be convicted of aggravated first degree murder a person must commit a first degree murder under one or more of several aggravating circumstances. A person convicted of aggravated first degree murder will receive either the death penalty or a sentence of life imprisonment without the possibility of parole.

SUMMARY:

Committing a murder to obtain membership in an organization or association is an aggravating circumstance for the imposition of aggravated first degree murder.

Appropriation: none

Revenue: none

Fiscal Note: available

TESTIMONY FOR:

This bill provides prosecutors with increased discretion to fight violent crime. Families of victims will feel a sense of justice. Criminals and gang members will have something to fear. Drive-by shootings are increasing. People in Washington have a right to safe streets. These are new crimes, which need new classifications. We need a victim's justice system, not a criminal justice system. Other countries have lower crime levels because they don't tolerate it. We need swift justice to balance broad civil rights. People who hunt others down and kill them to achieve gang membership deserve the death penalty. The people of this state overwhelmingly support the death penalty and are unhappy that it is not used more frequently.

TESTIMONY AGAINST:

The death penalty brutalizes humanity. Life without parole is effective and appropriate. If the death penalty is allowed, it should be used only for the most truly heinous crimes or crimes where the justice system itself is at stake. The crimes in this bill are tragic, but not so heinous or threatening to justify the death penalty. There is no evidence the death penalty deters crime. The death penalty is expensive, is often administered in a racially unbalanced way and says more about the society than the individual who is executed. The government should not be in the business of killing people.

TESTIFIED: Greg Sturgis, Winona Latta, Families and Friends of Violent Crime Victims (pro); Dave LaCourse, WA Citizens For Justice (pro); Ned Dolejsi, WA State Catholic Conference (con); Tony Lee, WA Assn. of Churches (con); Jerry Sheehan, ACLU (con); Richard Finnigan, American Legion (pro)