

**HOUSE BILL ANALYSIS
SB 5203**

Title:	An act relating to capital punishment.
Brief Description:	Making a defendant's knowledge that a murder victim was pregnant aggravated first degree murder.
Sponsors:	Senate Committee on Law & Justice (originally sponsored by Senators Roach, Johnson, Hargrove, Zarelli, Benton, Goings, Oke, and Long).

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

Hearing Date:	February 20, 1998.
Prepared By:	Mark G. Hamilton, Counsel (786-7310).
Background:	<u><i>Murder in the First Degree</i></u> . Murder in the first degree occurs when a person causes the death of another person under any of the following cases:

1. *Premeditated Intent* — when, with premeditated intent to cause the death of another person, the perpetrator causes the death of that person or a third person;
2. *Extreme Indifference to Human Life* — when a person causes the death of another person under circumstances manifesting an extreme indifference to human life while engaging in conduct which creates a grave risk of death to any person;
3. *During Commission of Certain Felonies* — when a perpetrator causes the death of another person during the commission, attempted commission, or flight therefrom, of any of the following felony crimes:
 - a. Robbery in the first or second degree;
 - b. Rape in the first or second degree;
 - c. Burglary in the first degree;
 - d. Arson in the first or second degree; or
 - e. Kidnapping in the first or second degree.

(RCW 9A.32.030.)

Aggravated First Degree Murder. Aggravated first degree murder occurs when a person commits murder in the first degree, and one or more aggravating circumstances, as set out by statute, is present. The aggravating circumstances, in summary, are as follows:

1. Murder of a law enforcement officer, corrections officer, or firefighter;
2. Murder while incarcerated in, or escaped from, a state corrections facility;
3. Murder while incarcerated in a local jail;
4. Murder for hire, either as the payor or the “hit man”;
5. Mob or gang-related murder;
6. Murder during a drive-by shooting;
7. Murder when the victim was a former, current or prospective juror, witness, prosecuting attorney, defense attorney, member of the indeterminate sentence review board; or a probation or parole officer, if the murder was related to the exercise of their duties;
8. Murder to conceal another crime;
9. Serial or spree killing (multiple murders);
10. Murder committed in the course of, in furtherance, or in immediate flight from one of the following crimes:
 - a. Robbery in the first degree;
 - b. Rape in the first or second degree;
 - c. Burglary in the first or second degree or residential burglary;
 - d. Kidnapping in the first degree; or
 - e. Arson in the first degree;
11. Murder when the victim was a news reporter, and the murder was committed to obstruct or hinder the investigation, research, or reporting activities of the victim.

Aggravated first degree murder is punishable by a maximum sentence of life imprisonment without the possibility of release or by death.

(RCW 10.95.020.)

Summary: An additional aggravating circumstance is provided for purposes of qualifying a premeditated first-degree murder for a sentence of life in prison without possibility of release or death. The additional aggravating circumstance is that the defendant knew the victim was pregnant. (Amends RCW 10.95.020.)

Rules Authority: No.

Fiscal Note: Available.

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