

# SENATE BILL REPORT

## SB 5203

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As Passed Senate, January 30, 1998

**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:** Senators Roach, Johnson, Hargrove, Zarelli, Benton, Goings, Oke and Long.

**Brief History:**

**Committee Activity:** Law & Justice: 2/10/97, 2/19/97 [DP, DNP].

Passed Senate, 3/11/97, 38-9.

Passed Senate, 1/30/98, 38-9.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** Do pass.

Signed by Senators Roach, Chair; Goings, Hargrove, Long, McCaslin, Stevens and Zarelli.

**Minority Report:** Do not pass.

Signed by Senators Fairley and Kline.

**Staff:** Aldo Melchiori (786-7439)

**Background:** 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.

Some murder victims are specifically victimized because they are pregnant. Some domestic violence that rises to the level of murder begins over the issue of pregnancy. Pregnancy can make victims more vulnerable and less able to defend themselves. It is felt that the murder of a pregnant woman by someone who knows the woman is pregnant should be an aggravating factor for imposing the death penalty.

**Summary of Bill:** It is an aggravating circumstance for the imposition of aggravated first degree murder that the defendant knew the victim was pregnant.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** There is no reason why someone who does this should ever be in a position to do it again. Sometimes people kill specifically to prevent the woman from having the baby. This crime is a particularly horrible tragedy for the children and relatives of the victim.

**Testimony Against:** The impact on survivors is real, but the bill is too broad, because sometimes it is difficult to tell if a woman is pregnant. It should be limited to cases where the defendant killed the victim because she is pregnant. Money spent on death penalty cases could be better spent on programs that provide real safety for potential victims.

**Testified:** Sheila Powell, Violent Crime Victim Services (pro); Mike Patrick, Council of Police Officers (pro); Lew Cox, Violent Crime Victim Services (pro); Brian Tsuchita, WA Defender Association and WA Association of Criminal Defense Lawyers (con); Katie Ross, WA Defender Association and WA Association of Criminal Defense Lawyers (con); Bernardean Broadus, Thurston County Prosecutor (pro).