

SENATE BILL REPORT

SB 6274

As Reported By Senate Committee On:
Law & Justice, February 6, 1998

Title: An act relating to slayers.

Brief Description: Revising provisions relating to retirement system benefits for slayers.

Sponsors: Senators Bauer, Benton, Oke and Schow.

Brief History:

Committee Activity: Law & Justice: 1/29/98, 2/6/98 [DPS].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 6274 be substituted therefor, and the substitute bill do pass.

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

Staff: David Johnson (786-7754)

Background: Slayer statutes exist to prevent one who kills another from gaining financially from the act. Washington's slayer statute specifically forbids a slayer from acquiring or receiving any property or benefit from the death of the victim. However, this law does not allow taking property away from the slayer which was acquired prior to the killing.

When a slayer and victim are related by marriage or business venture, they often own property jointly. This property is distributed on death to the living partner and the deceased's estate, as it would have been if the death had been accidental.

The Court of Appeals has held that a slayer does not lose his or her right to community property because of the murderous act. In some situations, this has meant that the slayer receives his or her share of the state retirement benefits of the victim as well as other property.

Summary of Substitute Bill: The slayer's rights to retirement benefits of the victim under the state retirement system are taken away and given to the victim's estate. The Department of Retirement Systems, after notice that a slayer situation exists, determines to whom payment should be made.

The provision stating that the slayer statutes are not to be considered penal is removed. Any provisions which violate federal law are severable from the remaining provisions.

Substitute Bill Compared to Original Bill: Language which may have been interpreted as divesting the slayer of community property is removed. Limits affect to those entitled to benefits, excluding those who were simply members.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: Those who kill spouses should not also be paid a retirement from their spouses' work.

Testimony Against: Would be in favor if wording changes are made.

Testified: Senator Bauer, prime sponsor (pro); Mark Roberts, Washington State Bar Association Real Property, Probate and Trust Section (con).