

SENATE BILL REPORT

SB 6516

As Reported By Senate Committee On:
Law & Justice, January 27, 1998

Title: An act relating to first degree murder.

Brief Description: Providing for the possibility of life imprisonment for first degree murder.

Sponsors: Senators Roach, Goings, Hochstatter, Benton, Rossi, Patterson, Oke, Schow, Johnson, McDonald, Stevens, Strannigan, Fraser, Sellar, Prentice, Bauer and Rasmussen.

Brief History:

Committee Activity: Law & Justice: 1/22/98, 1/27/98 [DPS, DNPS].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 6516 be substituted therefor, and the substitute bill do pass.

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

Minority Report: Do not pass substitute.

Signed by Senators Fairley, Kline and Thibaudeau.

Staff: Aldo Melchiori (786-7439)

Background: Murder in the first degree is committed when a person causes the death of another (a) with premeditated intent; (b) under circumstances manifesting extreme indifference to human life, when the offender engages in conduct which creates a grave risk of death; or (c) during the commission of robbery in the first or second degree, rape in the first or second degree, burglary in the first degree, arson in the first or second degree, or kidnaping in the first or second degree. Murder in the first degree is a class A felony and is ranked as level XIV on the sentencing grid. The term of total confinement cannot be less than 20 years.

Aggravated first degree murder is first degree murder committed with one or more of 12 aggravating factors. Aggravated first degree murder is a class A felony and is ranked as level XV on the sentencing grid. The sentence for aggravated first degree murder is life imprisonment without the possibility of release or death.

If a prosecutor files the charge of aggravated first degree murder and decides to seek the death penalty, notice is given and special sentencing procedures are undertaken if the defendant is found guilty.

It has been suggested that a person who commits murder with premeditated intent, under circumstances manifesting extreme indifference to human life, or during an attempt to

commit a felony should be subject to a sentence of life imprisonment without the possibility of release.

Summary of Substitute Bill: A new level is created in the sentencing grid. Murder in the first degree is the only offense at level XV. The bottom of the range in the new level XV is the same as the bottom of the range at level XIV. The top of the new range is life imprisonment without the possibility of parole or release. The rule that the minimum term cannot be less than 75 percent of the maximum term is waived in the case of murder in the first degree.

The judge makes the sentencing determination within the standard range unless the court finds that an exceptional sentence outside the standard range is justified.

Substitute Bill Compared to Original Bill: In the original bill, a person guilty of murder in the first degree is subject to life imprisonment with or without the possibility of parole or release. If the defendant's guilt was decided by a jury, the same jury determined the sentence unless the jury is waived.

Appropriation: None.

Fiscal Note: Requested on January 14, 1998.

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

Testimony For: The effects of these crimes last long afterwards. Punishment is one thing, justice is another. Victims need justice. We need to track the results of community placement providers and eliminate those that are providing poor supervision.

Testimony Against: None.

Testified: PRO: Maggie Warren, Cris Owsley, Barbara Eacret, SAFER; Tom McBride, Washington State Prosecutors Association.