
HOUSE BILL 1297

State of Washington

55th Legislature

1997 Regular Session

By Representatives DeBolt, Sheahan, Ballasiotes, Costa, Benson, McMorris, Thompson, Lambert, Radcliff, K. Schmidt, Mitchell, Sherstad, Robertson, Pennington, Hickel, Kastama, Sullivan, Sump, Sheldon, Delvin, Cooke, Morris, Wensman, Mason and Mielke

Read first time 01/21/97. Referred to Committee on Law & Justice.

1 AN ACT Relating to aggravating circumstances in first degree
2 murder; reenacting and amending RCW 10.95.020; and prescribing
3 penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 10.95.020 and 1995 c 129 s 17 (Initiative Measure No.
6 159) and 1994 c 121 s 3 are each reenacted and amended to read as
7 follows:

8 A person is guilty of aggravated first degree murder if he or she
9 commits first degree murder as defined by RCW 9A.32.030(1)(a), as now
10 or hereafter amended, and one or more of the following aggravating
11 circumstances exist:

12 (1) The victim was a law enforcement officer, corrections officer,
13 or fire fighter who was performing his or her official duties at the
14 time of the act resulting in death and the victim was known or
15 reasonably should have been known by the person to be such at the time
16 of the killing;

17 (2) At the time of the act resulting in the death, the person was
18 serving a term of imprisonment, had escaped, or was on authorized or

1 unauthorized leave in or from a state facility or program for the
2 incarceration or treatment of persons adjudicated guilty of crimes;

3 (3) At the time of the act resulting in death, the person was in
4 custody in a county or county-city jail as a consequence of having been
5 adjudicated guilty of a felony;

6 (4) The person committed the murder pursuant to an agreement that
7 he or she would receive money or any other thing of value for
8 committing the murder;

9 (5) The person solicited another person to commit the murder and
10 had paid or had agreed to pay money or any other thing of value for
11 committing the murder;

12 (6) The person committed the murder to obtain or maintain his or
13 her membership or to advance his or her position in the hierarchy of an
14 organization, association, or identifiable group;

15 (7) The murder was committed during the course of or as a result of
16 a shooting where the discharge of the firearm, as defined in RCW
17 9.41.010, is either from a motor vehicle or from the immediate area of
18 a motor vehicle that was used to transport the shooter or the firearm,
19 or both, to the scene of the discharge;

20 (8) The victim was:

21 (a) A judge; juror or former juror; prospective, current, or former
22 witness in an adjudicative proceeding; prosecuting attorney; deputy
23 prosecuting attorney; defense attorney; a member of the indeterminate
24 sentence review board; or a probation or parole officer; and

25 (b) The murder was related to the exercise of official duties
26 performed or to be performed by the victim;

27 (9) The person committed the murder to conceal the commission of a
28 crime or to protect or conceal the identity of any person committing a
29 crime, including, but specifically not limited to, any attempt to avoid
30 prosecution as a persistent offender as defined in RCW 9.94A.030;

31 (10) There was more than one victim and the murders were part of a
32 common scheme or plan or the result of a single act of the person;

33 (11) The murder was committed in the course of, in furtherance of,
34 or in immediate flight from one of the following crimes:

35 (a) Robbery in the first or second degree;

36 (b) Rape in the first or second degree;

37 (c) Burglary in the first or second degree or residential burglary;

38 (d) Kidnapping in the first degree; or

39 (e) Arson in the first degree;

1 (12) The victim was regularly employed or self-employed as a
2 newsreporter and the murder was committed to obstruct or hinder the
3 investigative, research, or reporting activities of the victim; or
4 (13) The victim was in a family or household member relationship,
5 as defined in chapter 10.99 RCW, with the person or an accomplice of
6 the person, and there was in existence at the time of the murder a no
7 contact order issued under either RCW 10.99.040 or 10.99.050, a
8 domestic violence protection order issued under chapter 26.50 RCW, or
9 a restraining order issued under RCW 26.09.060, and the order had been
10 properly served on the person before the murder and the murder violated
11 the terms of the order.

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