
SUBSTITUTE HOUSE BILL 2369

State of Washington

55th Legislature

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By House Committee on Law & Justice (originally sponsored by Representatives Carlson, Sheahan, Radcliff, Constantine, Kastama, Mulliken, Gardner, Linville, Benson, Kessler, Anderson, Mitchell, Schoesler, D. Sommers, Van Luven, Dunn, Lambert, Boldt and McDonald)

Read first time 02/04/98. Referred to Committee on .

1 AN ACT Relating to slayers; amending RCW 11.84.030, 11.84.040,
2 11.84.050, 11.84.060, 11.84.070, 11.84.900, and 26.16.120; adding a new
3 section to chapter 11.84 RCW; adding a new section to chapter 41.04
4 RCW; creating new sections; and declaring an emergency.

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

6 **Sec. 1.** RCW 11.84.030 and 1965 c 145 s 11.84.030 are each amended
7 to read as follows:

8 The slayer shall be deemed to have predeceased the decedent as to
9 property which would have passed from the decedent or his or her
10 estate, or as a result of the decedent's death, to the slayer (a) under
11 the statutes of descent and distribution ((or have been acquired)); (b)
12 by statutory right as surviving spouse ((or)); (c) under any agreement
13 made with the decedent under the provisions of RCW 26.16.120 as it now
14 exists or is hereafter amended; or (d) as beneficiary of any life
15 insurance policy or certificate, retirement plan described in RCW
16 11.98.170, or nonprobate asset as defined in RCW 11.02.005.

17 **Sec. 2.** RCW 11.84.040 and 1965 c 145 s 11.84.040 are each amended
18 to read as follows:

1 Any property which would have passed to or for the benefit of the
2 slayer by devise or legacy from the decedent shall be distributed as if
3 he or she had predeceased the decedent. Except to the extent otherwise
4 provided in this chapter, property which would have passed to or for
5 the benefit of the slayer as the beneficiary of any life insurance
6 policy or certificate, retirement plan described in RCW 11.98.170, or
7 nonprobate asset defined in RCW 11.02.005 shall be distributed as if
8 the slayer predeceased the decedent.

9 **Sec. 3.** RCW 11.84.050 and 1965 c 145 s 11.84.050 are each amended
10 to read as follows:

11 (1) ~~((One-half of))~~ Any property held by the slayer and the
12 decedent as joint tenants, joint owners or joint obligees shall pass
13 upon the death of the decedent to his or her estate~~((, and the other~~
14 ~~half shall pass to his estate upon the death of the slayer, unless the~~
15 ~~slayer obtains a separation or severance of the property or a decree~~
16 ~~granting partition))~~.

17 (2) ~~((As to))~~ Any property held jointly by three or more persons,
18 including the slayer and the decedent, ((any enrichment which would
19 have accrued to the slayer as a result of the death of the decedent
20 shall pass to the estate of the decedent. If the slayer becomes the
21 final survivor, one half of the property shall immediately pass to the
22 estate of the decedent and the other half shall pass to his estate upon
23 the death of the slayer, unless the slayer obtains a separation or
24 severance of the property or a decree granting partition)) shall be
25 distributed after the decedent's death as though the slayer immediately
26 predeceased the decedent.

27 (3) The provisions of this section shall not affect any enforceable
28 agreement between the parties other than the slayer or any trust
29 arising because a greater proportion of the property has been
30 contributed by one party than by the other.

31 **Sec. 4.** RCW 11.84.060 and 1965 c 145 s 11.84.060 are each amended
32 to read as follows:

33 Property, whether or not community property, in which the slayer
34 holds a reversion or vested remainder and would have obtained the right
35 of present possession upon the death of the decedent shall pass instead
36 to the estate of the decedent ~~((during the period of the life~~
37 ~~expectancy of decedent; if he held the particular estate or if the~~

1 ~~particular estate is held by a third person it shall remain in his~~
2 ~~hands for such period)).~~

3 **Sec. 5.** RCW 11.84.070 and 1965 c 145 s 11.84.070 are each amended
4 to read as follows:

5 Any interest in property, whether or not community property and
6 whether vested or not, that is held by the slayer, and that is subject
7 to be divested, diminished in any way or extinguished, if the decedent
8 survives him or her or lives to a certain age, shall be held by the
9 slayer during his or her lifetime or until the decedent would have
10 reached such age, but shall then pass as if the decedent had died
11 immediately thereafter.

12 **Sec. 6.** RCW 11.84.900 and 1965 c 145 s 11.84.900 are each amended
13 to read as follows:

14 This chapter shall not be considered penal in nature, but shall be
15 construed broadly in order to effect the policy of this state that no
16 person shall be allowed to profit by his or her own wrong, wherever
17 committed.

18 NEW SECTION. **Sec. 7.** A new section is added to chapter 11.84 RCW
19 to read as follows:

20 Proceeds payable to a slayer as the beneficiary of any benefits
21 flowing from one of the retirement systems listed in RCW 41.50.030, by
22 virtue of the decedent's membership in the department of retirement
23 systems or by virtue of the death of decedent, shall be paid instead as
24 designated in section 9 of this act.

25 **Sec. 8.** RCW 26.16.120 and Code 1881 s 2416 are each amended to
26 read as follows:

27 Nothing contained in any of the provisions of this chapter or in
28 any law of this state, shall prevent the husband and wife from jointly
29 entering into any agreement concerning the status or disposition of the
30 whole or any portion of the community property, then owned by them or
31 afterwards to be acquired, to take effect upon the death of either.
32 But such agreement may be made at any time by the husband and wife by
33 the execution of an instrument in writing under their hands and seals,
34 and to be witnessed, acknowledged and certified in the same manner as
35 deeds to real estate are required to be, under the laws of the state,

1 and the same may at any time thereafter be altered or amended in the
2 same manner(~~(: PROVIDED, HOWEVER, That)~~). Such agreement shall not
3 derogate from the right of creditors((7))i nor be construed to curtail
4 the powers of the superior court to set aside or cancel such agreement
5 for fraud or under some other recognized head of equity jurisdiction,
6 at the suit of either party; nor prevent the application of laws
7 governing the community property and inheritance rights of slayers
8 under chapter 11.84 RCW.

9 NEW SECTION. Sec. 9. A new section is added to chapter 41.04 RCW
10 to read as follows:

11 (1) For purposes of this section, the following definitions shall
12 apply:

13 (a) "Slayer" means a slayer as defined in RCW 11.84.010.

14 (b) "Decedent" means any person whose life is taken by a slayer,
15 and who is a member of, or entitled to benefits from, the Washington
16 state department of retirement systems by written designation or by
17 operation of law because of the decedent's employment with the state.

18 (2) Property that would have passed to or for the benefit of a
19 beneficiary under one of the retirement systems listed in RCW
20 41.50.030, including the beneficiary's community property share of the
21 property, shall not pass to that beneficiary if the beneficiary is a
22 slayer and shall be distributed as if the slayer had predeceased the
23 decedent.

24 (3) A slayer is deemed to have predeceased the decedent as to
25 property which, by designation or by operation of law, would have
26 passed from the decedent to the slayer because of the decedent's
27 membership in, or entitlement to benefits under, one of the retirement
28 systems listed in RCW 41.50.030.

29 (4)(a) The department of retirement systems has no affirmative duty
30 to determine whether a beneficiary is, or is alleged to be, a slayer.
31 However, upon receipt of written notice that a beneficiary is a
32 defendant in a civil lawsuit that alleges the beneficiary is a slayer
33 or is charged with a crime that, if committed, means the beneficiary is
34 a slayer, the department of retirement systems shall determine whether
35 the beneficiary is a defendant in such a civil suit or has been
36 formally charged in court with the crime. If so, the department shall
37 withhold payment of any benefits until:

38 (i) The case or charges are dismissed;

1 (ii) The beneficiary is found not guilty in the criminal case or
2 prevails in the civil suit; or

3 (iii) The beneficiary is convicted or is found to be a slayer in
4 the civil suit.

5 (b) If the case or charges are dismissed or if a beneficiary is
6 found not guilty or prevails in the civil suit, the department shall
7 pay the beneficiary the benefits the beneficiary is entitled to
8 receive. If the beneficiary is convicted or found to be a slayer in a
9 civil suit, the department shall distribute the benefits according to
10 subsection (2) of this section.

11 (5) The slayer's conviction for having participated in the willful
12 and unlawful killing of the decedent shall be admissible in evidence
13 against a claimant of property in any civil action arising under this
14 section.

15 (6) This section shall not subject the department of retirement
16 systems to liability for payment made to a slayer or alleged slayer
17 prior to the department's receipt of written notice that the slayer has
18 been convicted of, or the alleged slayer has been formally criminally
19 or civilly charged in court with, the death of the decedent. If the
20 conviction or civil judgment of a slayer is reversed on appeal, the
21 department of retirement systems shall not be liable for payment made
22 prior to the receipt of written notice of the reversal to a beneficiary
23 other than the person whose conviction or civil judgment is reversed.

24 NEW SECTION. **Sec. 10.** This act applies to acts that result in
25 unlawful killings of decedents by slayers on and after the effective
26 date of this act.

27 NEW SECTION. **Sec. 11.** If any part of this act is found to be in
28 conflict with federal requirements, the conflicting part of this act is
29 hereby declared to be inoperative solely to the extent of the conflict,
30 and such finding or determination does not affect the operation of the
31 remainder of this act. Rules adopted under this act must meet federal
32 requirements.

33 NEW SECTION. **Sec. 12.** This act is necessary for the immediate
34 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and takes effect
2 immediately.

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