
HOUSE BILL 1394

State of Washington 56th Legislature 1999 Regular Session

By Representatives Hurst, Constantine, Lambert, Sheahan, McDonald,
Lovick, H. Sommers, Dickerson, Kenney and Esser

Read first time 01/22/1999. Referred to Committee on Judiciary.

1 AN ACT Relating to the duress defense; and amending RCW 9A.16.060.

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

3 **Sec. 1.** RCW 9A.16.060 and 1975 1st ex.s. c 260 s 9A.16.060 are
4 each amended to read as follows:

5 (1) In any prosecution for a crime, it is a defense that:

6 (a) The actor participated in the crime under compulsion by another
7 who by threat or use of force created an apprehension in the mind of
8 the actor that in case of refusal he or she or another would be liable
9 to immediate death or immediate grievous bodily injury; and

10 (b) That such apprehension was reasonable upon the part of the
11 actor; and

12 (c) That the actor would not have participated in the crime except
13 for the duress involved.

14 (2) The defense of duress is not available if the crime charged is
15 murder (~~(or)~~), manslaughter, or homicide by abuse.

16 (3) The defense of duress is not available if the actor
17 intentionally or recklessly places himself or herself in a situation in
18 which it is probable that he or she will be subject to duress.

1 (4) The defense of duress is not established solely by a showing
2 that a married person acted on the command of his or her spouse.

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