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SENATE BILL 5242

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State of Washington                      57th Legislature                      2001 Regular Session

By Senators West, McCaslin, Sheahan, Roach, Long, T. Sheldon and Oke  
Read first time 01/17/2001. Referred to Committee on Judiciary.

1            AN ACT Relating to murder of a child; amending RCW 10.95.020 and  
2 9.94A.590; creating a new section; and prescribing penalties.

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

4            NEW SECTION.    **Sec. 1.** This act may be known and cited as the  
5 "Valiree Jackson Act."

6            **Sec. 2.** RCW 10.95.020 and 1998 c 305 s 1 are each amended to read  
7 as 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;

4 (13) At the time the person committed the murder, there existed a  
5 court order, issued in this or any other state, which prohibited the  
6 person from either contacting the victim, molesting the victim, or  
7 disturbing the peace of the victim, and the person had knowledge of the  
8 existence of that order;

9 (14) At the time the person committed the murder, the person and  
10 the victim were "family or household members" as that term is defined  
11 in RCW 10.99.020(1), and the person had previously engaged in a pattern  
12 or practice of three or more of the following crimes committed upon the  
13 victim within a five-year period, regardless of whether a conviction  
14 resulted:

15 (a) Harassment as defined in RCW 9A.46.020; or

16 (b) Any criminal assault;

17 (15) The victim was under the age of thirteen.

18 **Sec. 3.** RCW 9.94A.590 and 2000 c 28 s 7 are each amended to read  
19 as follows:

20 (1) The following minimum terms of total confinement are mandatory  
21 and shall not be varied or modified under RCW 9.94A.390:

22 (a) An offender convicted of the crime of murder in the first  
23 degree shall be sentenced to a term of total confinement not less than  
24 twenty years; except that if the victim is under the age of sixteen  
25 years, the offender shall be sentenced to a term of life imprisonment  
26 without possibility of release or parole.

27 (b) An offender convicted of the crime of assault in the first  
28 degree or assault of a child in the first degree where the offender  
29 used force or means likely to result in death or intended to kill the  
30 victim shall be sentenced to a term of total confinement not less than  
31 five years.

32 (c) An offender convicted of the crime of rape in the first degree  
33 shall be sentenced to a term of total confinement not less than five  
34 years.

35 (2) During such minimum terms of total confinement, no offender  
36 subject to the provisions of this section is eligible for community  
37 custody, earned release time, furlough, home detention, partial  
38 confinement, work crew, work release, or any other form of early

1 release authorized under RCW 9.94A.150, or any other form of authorized  
2 leave of absence from the correctional facility while not in the direct  
3 custody of a corrections officer. The provisions of this subsection  
4 shall not apply: (a) In the case of an offender in need of emergency  
5 medical treatment; (b) for the purpose of commitment to an inpatient  
6 treatment facility in the case of an offender convicted of the crime of  
7 rape in the first degree; or (c) for an extraordinary medical placement  
8 when authorized under RCW 9.94A.150(4).

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