
HOUSE BILL 2059

State of Washington 58th Legislature 2003 Regular Session

By Representatives Flannigan, O'Brien, Darneille, Kagi, Moeller, Veloria, Gombosky, Edwards, Upthegrove and Wood

Read first time 02/21/2003. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to manslaughter as a lesser included offense of
2 murder in the second degree; amending RCW 9A.32.050; and declaring an
3 emergency.

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

5 **Sec. 1.** RCW 9A.32.050 and 2003 c 3 s 2 are each amended to read as
6 follows:

7 (1) A person is guilty of murder in the second degree when:

8 (a) With intent to cause the death of another person but without
9 premeditation, he or she causes the death of such person or of a third
10 person; or

11 (b) He or she commits or attempts to commit any felony, including
12 assault, other than those enumerated in RCW 9A.32.030(1)(c), and, in
13 the course of and in furtherance of such crime or in immediate flight
14 therefrom, he or she, or another participant, causes the death of a
15 person other than one of the participants; except that in any
16 prosecution under this ((subdivision)) subsection (1)(b) in which the
17 defendant was not the only participant in the underlying crime, if
18 established by the defendant by a preponderance of the evidence, it is
19 a defense that the defendant:

1 (i) Did not commit the homicidal act or in any way solicit,
2 request, command, importune, cause, or aid the commission thereof; and

3 (ii) Was not armed with a deadly weapon, or any instrument,
4 article, or substance readily capable of causing death or serious
5 physical injury; and

6 (iii) Had no reasonable grounds to believe that any other
7 participant was armed with such a weapon, instrument, article, or
8 substance; and

9 (iv) Had no reasonable grounds to believe that any other
10 participant intended to engage in conduct likely to result in death or
11 serious physical injury.

12 (2) Manslaughter in the first degree and manslaughter in the second
13 degree are lesser included offenses of murder in the second degree
14 under subsection (1)(a) and (b) of this section.

15 (3) Murder in the second degree is a class A felony.

16 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
17 preservation of the public peace, health, or safety, or support of the
18 state government and its existing public institutions, and takes effect
19 immediately.

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