
HOUSE BILL 2389

State of Washington 58th Legislature 2004 Regular Session

By Representatives Carrell, Boldt, Ahern, Mielke, Pearson, Bush, Kristiansen, Talcott, McMahan, Cox, Orcutt and Campbell

Read first time 01/13/2004. Referred to Committee on Judiciary.

1 AN ACT Relating to aggravated multiple murder cases; amending RCW
2 10.95.020; prescribing penalties; and providing an effective date.

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

4 **Sec. 1.** RCW 10.95.020 and 2003 c 53 s 96 are each amended to read
5 as follows:

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

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

15 (2) At the time of the act resulting in the death, the person was
16 serving a term of imprisonment, had escaped, or was on authorized or
17 unauthorized leave in or from a state facility or program for the
18 incarceration or treatment of persons adjudicated guilty of crimes;

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

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

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

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

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

18 (8) The victim was:

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

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

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

29 (10) There was more than one victim (~~and~~) regardless of when the
30 murders occurred, whether the murders occurred in one or more
31 jurisdictions, or whether the murders were part of a common scheme or
32 plan or the result of a single act or multiple acts 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

1 (e) Arson in the first degree;

2 (12) The victim was regularly employed or self-employed as a
3 newsreporter and the murder was committed to obstruct or hinder the
4 investigative, research, or reporting activities of the victim;

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

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

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

17 (b) Any criminal assault.

18 NEW SECTION. **Sec. 2.** This act takes effect July 1, 2004.

--- END ---