

1407

Sponsor(s): Representatives McMahan, Carrell, Talcott, Sump, Mielke, Bush, Woods, Ericksen, Bailey, Schoesler, Kristiansen, Cox, Benson, Schindler, Nixon, Condotta and Delvin

Brief Description: Reaffirming assault as a predicate felony for felony murder.

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Does not agree with or accept the court's findings of legislative intent in *State v. Andress*, Docket No. 71170-4 (October 24, 2002), and reasserts that assault has always been and still remains a predicate offense for felony murder in the second degree under the statute. To prevent a misconstruction of the legislature's original intent and the law, the legislature finds in light of *State v. Andress*, Docket No. 71170-4 (October 24, 2002), that it is necessary to add language to RCW 9A.32.050 in order to make the original meaning of the statute and the intent of the legislature as clear as possible. This language is intended to be instructive in nature.

Urges the supreme court to apply this interpretation retroactively to July 1, 1976.