
Judiciary Committee

SB 5015

Title: An act relating to aggravated first degree murder.

Brief Description: Including a child fourteen or younger in the aggravated first degree murder provisions.

Sponsors: Senator Benton.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Adds to the list of aggravating circumstances for the crime of Aggravated first degree Murder that the victim was 14 years of age or younger.

Hearing Date: 3/27/13

Staff: Edie Adams (786-7180).

Background:

The crime of Aggravated first degree Murder is the only crime that is subject to a sentence of life imprisonment without the possibility of release or a sentence of death. Aggravated first degree Murder is committed if a person commits premeditated first degree murder and any one or more of a specified list of aggravating factors exists.

A person convicted of Aggravated first degree Murder must be sentenced to life without the possibility of release unless the prosecutor file a notice indicating an intent to seek the death penalty. If the prosecutor has decided to seek the death penalty, a special sentencing proceeding is held following a conviction for Aggravated first degree Murder to determine whether the death penalty will be imposed. At the special sentencing proceeding, the jury may impose a sentence of death if the jury determines unanimously that "there are not sufficient mitigating circumstances to merit leniency." If the jury finds sufficient mitigating circumstances to merit leniency, the defendant receives a sentence of life imprisonment without the possibility of release.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Aggravating circumstances that the prosecution must prove before a sentence of life without the possibility of release or a sentence of death may be imposed include:

- The victim was a police officer, corrections officer, or fire fighter performing official duties; or a judge, juror, witness, attorney, member of the Indeterminate Sentence Review Board, or probation or parole officer, and the murder was related to the exercise of the victim's official duties.
- The offender was in prison or in jail for a felony conviction, or on leave from prison, or was an escapee from prison.
- The offender paid another to commit the murder, or solicited or agreed to receive payment for committing the murder.
- The offender committed the murder to obtain, maintain, or advance a position in the hierarchy of an organization or group.
- The offender committed the murder as part of a drive-by shooting.
- The offender committed the murder to conceal a crime or protect the identity of any person committing a crime, or to avoid prosecution as a persistent offender.
- There was more than one victim and the murders were part of a common scheme or plan, or the result of a single act.
- The murder was committed in the course of, in furtherance of, or in immediate flight from certain crimes, such as first or second degree robbery, rape, or burglary.
- The victim was a news reporter and the murder was committed to obstruct or hinder the reporter's investigative or reporting activities.
- At the time of the murder there was a court order prohibiting the offender from contacting or molesting the victim, or the offender and the victim were family or household members and the offender had engaged in three or more crimes of harassment or assault upon the victim within a five-year period.

Summary of Bill:

An additional aggravating circumstance is added for the crime of Aggravated first degree Murder that the victim was fourteen years of age or younger.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.