

# SENATE BILL REPORT

## SB 5015

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As Passed Senate, March 13, 2013

**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.

**Brief History:**

**Committee Activity:** Law & Justice: 1/23/13, 2/21/13 [DP, DNP].

Passed Senate: 3/13/13, 39-9.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** Do pass.

Signed by Senators Padden, Chair; Carrell, Vice Chair; Kline, Ranking Member; Darneille, Pearson and Roach.

**Minority Report:** Do not pass.

Signed by Senator Kohl-Welles.

**Staff:** Sharon Swanson (786-7447)

**Background:** A person commits murder in the first degree when, with a premeditated intent to cause the death of another person, the offender causes the death of said person. Murder in the first degree is a class A felony and is punishable by a sentence of life imprisonment.

A person is guilty of aggravated first degree murder for committing murder in the first degree if one or more aggravating circumstances are found to exist.

The sentence for a person found guilty of aggravated first degree murder is determined during a special sentencing proceeding held to decide whether or not the death penalty should be imposed. If there are found to be sufficient mitigating circumstances to merit leniency, the sentence for aggravated murder in the first degree is life imprisonment without the possibility of parole. If there are not enough mitigating factors to consider, the death penalty is imposed.

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*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.*

**Summary of Bill:** Adds to the list of aggravating factors for murder in the first degree the murder of a child 14 years of age or younger.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: There are many aggravating factors associated with the crime of aggravated murder in the first degree. Currently, it is an aggravating factor if the victim was a judge or a juror. It is an aggravating factor if the victim was a defense attorney or a reporter working on a story. Certainly, an innocent child should have the same standing as the people already mentioned in the statute. Children are the most vulnerable members of our society and the murder of a child is the most heinous crime imaginable. The death penalty is legal in our state and is a tool that should be used as long as it remains on the books. It is appropriate to have the death penalty as an option when the victim of a murder is a young child.

CON: All life is sacred. The expansion of the death penalty to include yet another aggravating factor moves our entire state a step back. Seventeen states have already abolished the death penalty. Washington has a reputation as a progressive, forward thinking state. This bill is a step in the wrong direction. Life imprisonment is a severe punishment. The murder of any human is a tragedy. The death of a child or grandchild would not be greater or lesser because of that child's age. Why would we want to create a system of unequal justice? Why is the punishment for the death of a 15 year old a lesser punishment than the death of a 13 year old. The death penalty is expensive. The court cases and appeals can go on for decades. The death penalty is administered in an unequal manner. Life imprisonment as a punishment for the murder of a child can be uniformly applied to all cases. The death penalty is not a deterrent. The death penalty is a failed public policy.

**Persons Testifying:** PRO: Senator Benton, prime sponsor; Russ Hague, Kitsap County Prosecuting Attorney.

CON: Mark Miloscia, Washington State Catholic Conference; Mishi Faruqee, Safe and Just Alternatives; Debbie Regala, Former Washington State Senator.