

HOUSE BILL REPORT

ESB 6091

As Reported by House Committee On:
Judiciary

Title: An act relating to the definition of slayer.

Brief Description: Changing the definition of slayer.

Sponsors: Senators Dammeier, O'Ban, Conway and Becker.

Brief History:

Committee Activity:

Judiciary: 2/18/16, 2/26/16 [DPA].

Brief Summary of Engrossed Bill
(As Amended by Committee)

- Provides that a person found not guilty by reason of insanity of killing another person qualifies as a "slayer" and may not inherit property or receive any benefit as a result of the deceased person's death.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended. Signed by 13 members: Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman, Haler, Hansen, Kirby, Klippert, Kuderer, Muri, Orwall and Stokesbary.

Staff: Omeara Harrington (786-7136).

Background:

Inheritance Rights of Slayers and Abusers.

No slayer or abuser of a deceased person may, in any way, acquire any property or receive any benefit as the result of the person's death. "Abusers" include persons who participate, either as a principal or an accessory before the fact, in the willful and unlawful financial exploitation of a vulnerable adult. A "slayer" is a person who participates, either as a principal or an accessory before the fact, in the willful and unlawful killing of the decedent.

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.

A final judgment of conviction for the willful and unlawful killing of the decedent is conclusive for purposes of determining whether a person is a slayer. In the absence of a criminal conviction, a superior court finding by a preponderance of the evidence that a person participated in the willful and unlawful killing of the decedent establishes the person as a slayer.

A slayer or abuser is legally presumed to have predeceased the decedent as to property or benefits that would have passed from the decedent to the slayer or abuser. In situations in which the slayer or abuser and the decedent have a joint interest in property, special instructions are provided to prevent the slayer or abuser from benefitting from the decedent's death.

Acquittal on Grounds of Insanity.

A criminal defendant who successfully asserts an insanity defense must be acquitted of the criminal charge. A person is considered insane in a criminal case if he or she was, at the time of the act underlying the charge, unable to perceive the nature and quality of the act or unable to tell right from wrong with respect to the particular act because of a mental disease or defect. Insanity must be proven by a preponderance of the evidence.

Summary of Amended Bill:

Persons found not guilty by reason of insanity of a criminal offense constituting participation, either as a principal or an accessory before the fact, in the willful and unlawful killing of any other person, are considered "slayers" for purposes of the slayer statute, and may not inherit any property or receive any benefit as a result of the death. A finding of not guilty by reason of insanity carries the same meaning as a conviction for purposes of the slayer statutes.

Amended Bill Compared to Engrossed Bill:

The language that includes persons found not guilty by reason of insanity in the slayer statutes is moved into the statute describing the criteria for establishing a person as a slayer. It is stated that a finding of not guilty by reason of insanity for willfully and unlawfully killing the decedent carries the same meaning as a conviction for purposes of the slayer statutes.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) It is a long established principle in our judicial system that a killer should not profit from their crime. There was a situation where a woman was murdered by her husband, and the husband was found not guilty by reason of insanity. The pension that the wife had earned will potentially pass to the killer. This bill aims to rectify that.

In the described situation, the Department of Retirement Systems could not determine whether or not the husband should get his wife's pension because of the way the law is written. Finding out that there will be no conviction is difficult, and it is totally wrong that the guilty party will receive the victim's pension. In this case, it took going to court to establish that the slayer statute applied, which cost money and was a very painful process. This is not a bill to get tougher on criminals; it is a bill to correct an injustice. This will happen to other families in the future, and the Legislature has the power to correct this. The bill may not fix this particular situation, but if it addresses future situations, that would be acceptable.

(Opposed) None.

Persons Testifying: Senator Dammeier, prime sponsor; Cheryl Gacek; Bob Dilger; and Jose Leos.

Persons Signed In To Testify But Not Testifying: None.