

SENATE BILL REPORT

ESB 6091

As Amended by House, March 1, 2016

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: Law & Justice: 1/11/16, 1/14/16 [DP].

Passed Senate: 2/05/16, 49-0.

Passed House: 3/01/16, 97-0.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Darneille, Frockt, Pearson and Roach.

Staff: Aldo Melchiori (786-7439)

Background: Under certain circumstances, an individual who takes the life of another is not entitled to inherit property or receive any benefit from the person that individual killed. The slayer is deemed to have predeceased the decedent. This rule, in statute as part of the state's estate distribution laws, is commonly referred to as the "slayer statute." A "slayer" is a person who participates, either as a principal or an accessory before the fact, in the willful and unlawful killing of any other person. Rather than being punitive, the slayer statute is broadly construed to enforce the state's policy that no person should be allowed to profit by his or her own wrongdoing. In 2009, the statute was amended to also restrict the inheritance rights of an abuser.

A criminal conviction for conduct constituting financial exploitation against a decedent, including but not limited to theft, forgery, fraud, identity theft, robbery, burglary, or extortion, is conclusive for the purposes of determining whether a person is an abuser. In the absence of a criminal conviction, a court may find by clear, cogent, and convincing evidence that:

- the decedent was a vulnerable adult at the time the alleged financial exploitation took place; and

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- the conduct constituting financial exploitation was willful action or willful inaction causing injury to the property of the vulnerable adult.

Findings made by the court are conclusive for the purpose of determining whether a person is an abuser. Findings of abuse made by the Department of Social and Health Services are not admissible in any claim or proceeding to determine whether a person is an abuser for inheritance purposes.

Summary of Engrossed Bill: The definition of a "slayer" is amended to include any person who is 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.

The act shall be known and cited as "Carol's Law."

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: This is a small change that will further the state policy of not allowing slayers to profit from their unlawful actions. An insanity plea should not allow individuals to profit from their unlawful acts rather than providing that the property or benefits pass to the alternate beneficiaries. This change is needed to prevent these injustices. The families get three shocks in these situations: the victim is deceased; the perpetrator is found not guilty by reason of insanity; and the perpetrator reaps a benefit from the act.

Persons Testifying: PRO: Senator Dammeier, Prime Sponsor; Cheryl Gacek, citizen; Bernie Gacek, citizen; Bob Dingen, citizen.

Persons Signed In To Testify But Not Testifying: No one.

House Amendment(s): (1) Moves the language that includes persons found not guilty by reason of insanity in the slayer statutes to the section describing the criteria for establishing a person as a slayer; and (2) states 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.