
HOUSE BILL 1831

State of Washington

64th Legislature

2015 Regular Session

By Representatives Klippert, Shea, Rodne, Haler, Hayes, Griffey, Scott, Van Werven, McCaslin, and Muri

Read first time 01/30/15. Referred to Committee on Public Safety.

1 AN ACT Relating to the murder of an unborn quick child; amending
2 RCW 9A.32.030 and 9A.32.050; adding a new section to chapter 9A.32
3 RCW; and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 9A.32.030 and 1990 c 200 s 1 are each amended to
6 read as follows:

7 (1) A person is guilty of murder in the first degree when:

8 (a) (i) With a premeditated intent to cause the death of another
9 person, he or she causes the death of such person or of a third
10 person, or (ii) with a premeditated intent to cause the death of an
11 unborn quick child, he or she causes the death of the unborn quick
12 child by intentionally inflicting any injury upon the mother of such
13 child; or

14 (b) Under circumstances manifesting an extreme indifference to
15 human life, he or she engages in conduct which creates a grave risk
16 of death to any person, and thereby causes the death of a person; or

17 (c) Under circumstances manifesting an extreme indifference to
18 human life, he or she engages in conduct which creates a grave risk
19 of death to an unborn quick child, and thereby causes the death of an
20 unborn quick child; or

1 (d) He or she commits or attempts to commit the crime of either
2 ~~((+1))~~ (i) robbery in the first or second degree, ~~((+2))~~ (ii) rape
3 in the first or second degree, ~~((+3))~~ (iii) burglary in the first
4 degree, ~~((+4))~~ (iv) arson in the first or second degree, or ~~((+5))~~
5 (v) kidnapping in the first or second degree, and in the course of or
6 in furtherance of such crime or in immediate flight therefrom, he or
7 she, or another participant, causes the death of a person other than
8 one of the participants: Except that in any prosecution under this
9 ~~((subdivision))~~ subsection (1)~~((+e))~~ (d) in which the defendant was
10 not the only participant in the underlying crime, if established by
11 the defendant by a preponderance of the evidence, it is a defense
12 that the defendant:

13 (i) Did not commit the homicidal act or in any way solicit,
14 request, command, importune, cause, or aid the commission thereof;
15 and

16 (ii) Was not armed with a deadly weapon, or any instrument,
17 article, or substance readily capable of causing death or serious
18 physical injury; and

19 (iii) Had no reasonable grounds to believe that any other
20 participant was armed with such a weapon, instrument, article, or
21 substance; and

22 (iv) Had no reasonable grounds to believe that any other
23 participant intended to engage in conduct likely to result in death
24 or serious physical injury.

25 (2) Murder in the first degree is a class A felony.

26 **Sec. 2.** RCW 9A.32.050 and 2003 c 3 s 2 are each amended to read
27 as follows:

28 (1) A person is guilty of murder in the second degree when:

29 (a) With intent to cause the death of another person but without
30 premeditation, he or she causes the death of such person or of a
31 third person; ~~((e))~~

32 (b) With intent to cause the death of an unborn quick child but
33 without premeditation, he or she causes the death of the unborn quick
34 child by intentionally inflicting any injury upon the mother of such
35 child; or

36 (c) He or she commits or attempts to commit any felony, including
37 assault, other than those enumerated in RCW 9A.32.030(1)~~((+e))~~ (d),
38 and, in the course of and in furtherance of such crime or in
39 immediate flight therefrom, he or she, or another participant, causes

1 the death of a person other than one of the participants; except that
2 in any prosecution under this (~~subdivision~~) subsection (1)(~~(b)~~)
3 (c) in which the defendant was not the only participant in the
4 underlying crime, if established by the defendant by a preponderance
5 of the evidence, it is a defense that the defendant:

6 (i) Did not commit the homicidal act or in any way solicit,
7 request, command, importune, cause, or aid the commission thereof;
8 and

9 (ii) Was not armed with a deadly weapon, or any instrument,
10 article, or substance readily capable of causing death or serious
11 physical injury; and

12 (iii) Had no reasonable grounds to believe that any other
13 participant was armed with such a weapon, instrument, article, or
14 substance; and

15 (iv) Had no reasonable grounds to believe that any other
16 participant intended to engage in conduct likely to result in death
17 or serious physical injury.

18 (2) Murder in the second degree is a class A felony.

19 NEW SECTION. **Sec. 3.** A new section is added to chapter 9A.32
20 RCW to read as follows:

21 RCW 9A.32.030 and 9A.32.050 do not apply to any act committed
22 pursuant to and in compliance with chapter 9.02 RCW.

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