

ESSB 5263 - H AMD TO H AMD (5263-S.E AMH ABBA BUR 039) **618**

By Representative Graham

NOT ADOPTED 04/08/2021

1 On page 1, beginning on line 6 of the amendment, after "death,"
2 strike "if the person injured or killed was armed with a
3 dangerous weapon,"

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5 On page 1, beginning on line 10 of the amendment, after "death"
6 insert ", if the person injured or killed was:

7 (a) Armed with a dangerous weapon;

8 (b) Engaged in the commission or attempted commission of murder as
9 defined in RCW 9A.32.030 or 9A.32.050;

10 (c) Engaged in the commission or attempted commission of rape as
11 defined in RCW 9A.44.040, 9A.44.050, 9A.44.060, or rape of a child as
12 defined in RCW 9A.44.073, 9A.44.076, or 9A.44.079; or

13 (d) Engaged in the commission or attempted commission of assault
14 in the first degree as defined in RCW 9A.36.011, or assault of a child
15 in the first degree as defined in RCW 9A.36.120"

EFFECT: Limits the heightened "beyond a reasonable doubt" standard for proving the elements of the felony bar affirmative defense such that the heightened standard will not apply when the person injured or killed was armed with a dangerous weapon, or engaged in the commission or attempted commission of murder, rape, rape of a child, first-degree assault, or first-degree assault of a child.

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