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HOUSE BILL 1308

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State of Washington

65th Legislature

2017 Regular Session

By Representatives Shea, Taylor, McCaslin, and Rodne

1 AN ACT Relating to making human decapitation an aggravating  
2 circumstance for purposes of aggravated first degree murder; amending  
3 RCW 10.95.020; and prescribing penalties.

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

5 **Sec. 1.** RCW 10.95.020 and 2003 c 53 s 96 are each amended to  
6 read as follows:

7 A person is guilty of aggravated first degree murder, a class A  
8 felony, if he or she commits first degree murder as defined by RCW  
9 9A.32.030(1)(a), as now or hereafter amended, and one or more of the  
10 following aggravating circumstances exist:

11 (1) The victim was a law enforcement officer, corrections  
12 officer, or firefighter who was performing his or her official duties  
13 at the time of the act resulting in death and the victim was known or  
14 reasonably should have been known by the person to be such at the  
15 time of the killing;

16 (2) At the time of the act resulting in the death, the person was  
17 serving a term of imprisonment, had escaped, or was on authorized or  
18 unauthorized leave in or from a state facility or program for the  
19 incarceration or treatment of persons adjudicated guilty of crimes;

1 (3) At the time of the act resulting in death, the person was in  
2 custody in a county or county-city jail as a consequence of having  
3 been adjudicated guilty of a felony;

4 (4) The person committed the murder pursuant to an agreement that  
5 he or she would receive money or any other thing of value for  
6 committing the murder;

7 (5) The person solicited another person to commit the murder and  
8 had paid or had agreed to pay money or any other thing of value for  
9 committing the murder;

10 (6) The person committed the murder to obtain or maintain his or  
11 her membership or to advance his or her position in the hierarchy of  
12 an organization, association, or identifiable group;

13 (7) The murder was committed during the course of or as a result  
14 of a shooting where the discharge of the firearm, as defined in RCW  
15 9.41.010, is either from a motor vehicle or from the immediate area  
16 of a motor vehicle that was used to transport the shooter or the  
17 firearm, or both, to the scene of the discharge;

18 (8) The victim was:

19 (a) A judge; juror or former juror; prospective, current, or  
20 former witness in an adjudicative proceeding; prosecuting attorney;  
21 deputy prosecuting attorney; defense attorney; a member of the  
22 indeterminate sentence review board; or a probation or parole  
23 officer; and

24 (b) The murder was related to the exercise of official duties  
25 performed or to be performed by the victim;

26 (9) The person committed the murder to conceal the commission of  
27 a crime or to protect or conceal the identity of any person  
28 committing a crime, including, but specifically not limited to, any  
29 attempt to avoid prosecution as a persistent offender as defined in  
30 RCW 9.94A.030;

31 (10) There was more than one victim and the murders were part of  
32 a common scheme or plan or the result of a single act of the person;

33 (11) The murder was committed in the course of, in furtherance  
34 of, or in immediate flight from one of the following crimes:

35 (a) Robbery in the first or second degree;

36 (b) Rape in the first or second degree;

37 (c) Burglary in the first or second degree or residential  
38 burglary;

39 (d) Kidnapping in the first degree; or

40 (e) Arson in the first degree;

1 (12) The victim was regularly employed or self-employed as a  
2 newsreporter and the murder was committed to obstruct or hinder the  
3 investigative, research, or reporting activities of the victim;

4 (13) At the time the person committed the murder, there existed a  
5 court order, issued in this or any other state, which prohibited the  
6 person from either contacting the victim, molesting the victim, or  
7 disturbing the peace of the victim, and the person had knowledge of  
8 the existence of that order;

9 (14) At the time the person committed the murder, the person and  
10 the victim were "family or household members" as that term is defined  
11 in RCW 10.99.020(~~(1)~~)(3), and the person had previously engaged in  
12 a pattern or practice of three or more of the following crimes  
13 committed upon the victim within a five-year period, regardless of  
14 whether a conviction resulted:

15 (a) Harassment as defined in RCW 9A.46.020; or

16 (b) Any criminal assault;

17 (15) The person decapitated the victim or attempted to decapitate  
18 the victim.

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