

CHAPTER 141.

[H. B. 79.]

INHERITANCE RIGHTS OF SLAYERS.

AN ACT relating to property rights, community property survivorship agreement benefits, and insurance policy benefits arising out of or as a result of the death of a person slain; protecting the rights of parties, purchasers and insurers dealing with slayers without notice of the slaying; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. As used in this act:

Definitions:

(1) "Slayer" shall mean any person who participates, either as a principal or as an accessory before the fact, in the wilful and unlawful killing of any other person.

"Slayer."

(2) "Decedent" shall mean any person whose life is so taken.

"Decedent."

(3) "Property" shall include any real and personal property and any right or interest therein.

"Property."

SEC. 2. No slayer shall in any way acquire any property or receive any benefit as the result of the death of the decedent, but such property shall pass as provided in the sections following.

Slayer not to benefit from death of victim.

SEC. 3. The slayer shall be deemed to have predeceased the decedent as to property which would have passed from the decedent or his estate to the slayer under the statutes of descent and distribution or have been acquired by statutory right as surviving spouse or under any agreement made with the decedent under the provisions of RCW 26.16.120 as it now exists or is hereafter amended.

Slayer deemed to have predeceased victim.

SEC. 4. Property which would have passed to or for the benefit of the slayer by devise or legacy from the decedent shall be distributed as if he had predeceased the decedent.

SEC. 5. (1) One-half of any property held by the slayer and the decedent as joint tenants, joint owners

Property held jointly.

or joint obligees shall pass upon the death of the decedent to his estate, and the other half shall pass to his estate upon the death of the slayer, unless the slayer obtains a separation or severance of the property or a decree granting partition.

(2) As to property held jointly by three or more persons, including the slayer and the decedent, any enrichment which would have accrued to the slayer as a result of the death of the decedent shall pass to the estate of the decedent. If the slayer becomes the final survivor, one-half of the property shall immediately pass to the estate of the decedent and the other half shall pass to his estate upon the death of the slayer, unless the slayer obtains a separation or severance of the property or a decree granting partition.

(3) The provisions of this section shall not affect any enforceable agreement between the parties or any trust arising because a greater proportion of the property has been contributed by one party than by the other.

Reversions and vested remainders.

SEC. 6. Property in which the slayer holds a reversion or vested remainder and would have obtained the right of present possession upon the death of the decedent shall pass to the estate of the decedent during the period of the life expectancy of decedent; if he held the particular estate or if the particular estate is held by a third person it shall remain in his hands for such period.

Property subject to conditions of survival or age of victim.

SEC. 7. Any interest in property whether vested or not, held by the slayer, subject to be divested, diminished in any way or extinguished, if the decedent survives him or lives to a certain age, shall be held by the slayer during his lifetime or until the decedent would have reached such age, but shall then pass as if the decedent had died immediately thereafter.

SEC. 8. As to any contingent remainder or executory or other future interest held by the slayer, subject to become vested in him or increased in any way for him upon the condition of the death of the decedent:

Contingent remainders, executory, or other future interests.

(1) If the interest would not have become vested or increased if he had predeceased the decedent, he shall be deemed to have so predeceased the decedent;

(2) In any case the interest shall not be vested or increased during the period of the life expectancy of the decedent.

SEC. 9. (1) Property appointed by the will of the decedent to or for the benefit of the slayer shall be distributed as if the slayer had predeceased the decedent.

Property appointed by will.

(2) Property held either presently or in remainder by the slayer, subject to be divested by the exercise by the decedent of a power of revocation or a general power of appointment shall pass to the estate of the decedent, and property so held by the slayer, subject to be divested by the exercise by the decedent of a power of appointment to a particular person or persons or to a class of persons, shall pass to such person or persons, or in equal shares to the members of such class of persons, exclusive of the slayer.

Property subject to power of revocation or appointment.

SEC. 10. (1) Insurance proceeds payable to the slayer as the beneficiary or assignee of any policy or certificate of insurance on the life of the decedent, or as the survivor of a joint life policy, shall be paid instead to the estate of the decedent, unless the policy or certificate designate some person other than the slayer or his estate as secondary beneficiary to him and in which case such proceeds shall be paid to such secondary beneficiary in accordance with the applicable terms of the policy.

Insurance.

(2) If the decedent is beneficiary or assignee of any policy or certificate of insurance on the life of the slayer, the proceeds shall be paid to the estate of the decedent upon the death of the slayer, unless the policy names some person other than the slayer or his estate as secondary beneficiary, or unless the slayer by naming a new beneficiary or assigning the policy performs an act which would have deprived the decedent of his interest in the policy if he had been living.

SEC. 11. Any insurance company making payment according to the terms of its policy or any bank or other person performing an obligation for the slayer as one of several joint obligees shall not be subjected to additional liability by the terms of this act if such payment or performance is made without written notice, at its home office or at an individual's home or business address, of the killing by a slayer.

Transactions of slayer with persons not having notice of slaying.

SEC. 12. The provisions of this act shall not affect the rights of any person who, before the interests of the slayer have been adjudicated, purchases, or has agreed to purchase, from the slayer for value and without notice property which the slayer would have acquired except for the terms of this act, but all proceeds received by the slayer from such sale shall be held by him in trust for the persons entitled to the property under the provisions of this act, and the slayer shall also be liable both for any portion of such proceeds which he may have dissipated and for any difference between the actual value of the property and the amount of such proceeds.

Evidence of slaying.

SEC. 13. The record of his conviction of having participated in the wilful and unlawful killing of the decedent shall be admissible in evidence against a claimant of property in any civil action arising under this act.

SEC. 14. This act shall not be considered penal in nature, but shall be construed broadly in order to effect the policy of this state that no person shall be allowed to profit by his own wrong, wherever committed. Act not penal.

SEC. 15. If any provisions of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable. Severability.

SEC. 16. This act is necessary for the immediate preservation of the public peace, health or safety, support of the state government and its existing public institutions and shall take effect immediately. Emergency.

Passed the House March 3, 1955.

Passed the Senate March 2, 1955.

Approved by the Governor March 15, 1955.

CHAPTER 142.

[H. B. 84.]

FOREST PROTECTION.

AN ACT relating to forest protection, and amending section 1, chapter 223, Laws of 1927 as last amended by section 1, chapter 207, Laws of 1929 and RCW 76.04.170; amending section 11, chapter 125, Laws of 1911 as last amended by section 4, chapter 43, Laws of 1925 extraordinary session and RCW 76.04.210; amending sections 2, 3, 4, 5 and 6 of chapter 13, Laws of 1951 and RCW sections 76.04.223, 76.04.224, 76.04.225, 76.04.226 and 76.04.227; amending section 2, chapter 223, Laws of 1927, as last amended by section 3, chapter 58, Laws of 1951 and RCW 76.04.230; amending section 14, chapter 125, Laws of 1911 as amended by section 6, chapter 184, Laws of 1923, section 1, chapter 152, Laws of 1937, section 1, chapter 63, Laws of 1941, sections 4, 5 and 6, chapter 58, Laws of 1951, sections 4, 6 and 7, chapter 24, Laws of 1953 and RCW sections 76.04.250, 76.04.260 and 76.04.270; amending section 17, chapter 125, Laws of 1911 as last amended by section 7, chapter 58, Laws of 1951 and RCW 76.04.320; amending section 2, chapter 105, Laws of 1917 as last amended by section 8, chapter 58, Laws of 1951 and RCW 76.04.360; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

Amendment.

SECTION 1. Section 1, chapter 223, Laws of 1927 as last amended by section 1, chapter 207, Laws of 1929 and RCW 76.04.170 are each amended to read as follows:

Permit for
burning waste
forest material.

Anyone desiring to dispose of the refuse or waste forest material on forest lands, by burning during the period beginning the fifteenth day of March, and ending on the fifteenth day of October in each year in western Washington, or between the fifteenth day of April and the fifteenth day of October in eastern Washington, unless different dates for such beginning and ending are fixed by order of the supervisor of forestry after a finding that such different dates are necessary for the protection of life and property, may make application to the supervisor, or to any warden or ranger, for a permit so to do. The ap-