



Bob Ferguson

ATTORNEY GENERAL OF WASHINGTON

1125 Washington Street SE • PO Box 40100 • Olympia WA 98504-0100

May 29, 2013

Sent by Electronic and U.S. Mail

United States House of Representatives
Committee on the Judiciary
The Honorable Bob Goodlatte, Chairman
2138 Rayburn House Office Building
Washington, DC 20515-6216

United States House of Representatives
Subcommittee on the Constitution and Civil Justice
The Honorable Trent Franks, Chairman
2138 Rayburn House Office Building
Washington, DC 20515-6216

Dear Chairman Goodlatte and Chairman Franks:

Thank you for your correspondence of May 7, 2013, seeking information about Washington State laws. In reply to your letter, please find the responses to your inquiries below.

1. Under the Washington State Constitution, original criminal jurisdiction resides with a separately elected prosecutor in each of Washington's thirty-nine counties. I encourage you to contact the prosecutors to learn more about how they handle the cases to which you refer.
2. Under Washington State law, an individual is considered a person from the moment of birth until death. Victims of homicide, regardless of age, are treated equally under Washington State law. RCW 18.71.240 provides that "the right of medical treatment of an infant born alive in the course of an abortion procedure shall be the same as the right of an infant born prematurely of equal gestational age."
3. RCW 9A.04.080 provides there is no statute of limitations for prosecuting murder or homicide by abuse in Washington State.
4. In Washington State, the authority to pursue a criminal prosecution rests with the prosecutor of the county in which a crime is alleged to have occurred. The primary function of the Attorney General's Office as it relates to criminal matters is to represent the state in criminal cases only at the express request of an elected county prosecutor or the governor. I encourage you to contact the prosecutors to learn about any cases that they may have had.

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5. As noted above, original criminal jurisdiction rests with the elected county prosecutors. I encourage you to contact the prosecutors for more information about potential cases of the type that you reference.

Washington is the first, and remains the only, state in the country to legalize elective abortion by popular vote. In 1991, Washington voters passed Initiative 120, the Reproductive Privacy Act, to codify *Roe v. Wade* into state law. Previously, in 1970, voters approved Referendum 20, which allowed women and their doctors to decide whether or not to terminate a pregnancy.

I trust that you will find the above responses informative.

Sincerely,

A handwritten signature in black ink that reads "Bob Ferguson". The signature is written in a cursive style with a long horizontal stroke at the end.

BOB FERGUSON
Washington State Attorney General

RWF/jlg