

FINAL BILL REPORT

HB 1433

C 66 L 95
Synopsis as Enacted

Brief Description: Penalizing defacement of a state monument.

Sponsors: Representatives Conway, Basich, Boldt, Romero, Poulsen, Huff, McMahan, Regala, Pelesky, L. Thomas, Thompson, Costa, Dickerson, Sherstad, Hatfield, Ebersole, Schoesler, Chopp and Carrell.

House Committee on Law & Justice
Senate Committee on Law & Justice

Background: The state can prosecute a person for malicious mischief if that person knowingly and maliciously causes damage to the property of another. If the amount of the property damage exceeds \$1,500, the state can charge the person with malicious mischief in the first degree, a class B felony. If the amount of the property damage is less than \$1,500, but greater than \$250, the state can charge the person with malicious mischief in the second degree, a class C felony. If the amount of property damage is less than \$250, the state can charge the person with malicious mischief in the third degree. The offense of malicious mischief in the third degree is a gross misdemeanor if the amount of property damage exceeds \$50. Otherwise, malicious mischief in the third degree is a misdemeanor. The state can prosecute a person who knowingly and maliciously defaces a state monument or memorial for malicious mischief.

Malice is an element of the crime of malicious mischief. Malice is defined as an evil intent, wish, or design to annoy or injure another person. It is generally not a crime for a person to knowingly cause damage to the property of another if he or she acts without malice.

Current law includes a few provisions that address willful damage to particular types of public property, such as school property. However, there is no provision which specifically deals with intentional damage to state monuments and memorials.

Summary: A person who knowingly defaces a state monument or memorial is guilty of a misdemeanor. There is no requirement that the person causing damage to a state monument or memorial act maliciously.

Votes on Final Passage:

House	97	0
Senate	45	0

Effective: July 23, 1995