

SENATE BILL REPORT

SB 6115

As Passed Senate, February 7, 1996

Title: An act relating to malicious mischief.

Brief Description: Revising penalties for persons who damage property with graffiti.

Sponsors: Senators Wojahn, Snyder, Haugen, Goings, Winsley, Bauer and Oke.

Brief History:

Committee Activity: Law & Justice: 1/23/96, 1/29/96 [DP].
Passed Senate, 2/7/96, 48-1.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin and Roach.

Staff: Dick Armstrong (786-7460)

Background: A person can be charged with the crime of malicious mischief if he or she knowingly and maliciously causes physical damage to the property of another. If the amount of damage exceeds \$1,500, the crime is a class B felony; if the amount of damage is greater than \$250 but less than \$1,500, the crime is a class C felony; if the amount of damage is greater than \$50 but less than \$250, the crime is a gross misdemeanor; and if the amount of damage is less than \$50, the crime is a misdemeanor.

If a minor child living with his or her parents wilfully and maliciously destroys property of another person, the parents of the child may be civilly liable for damages in an amount not to exceed \$5,000. However, this statute rarely applies to persons who place graffiti on the property of another, because usually graffiti does not destroy the property.

It is suggested that the penalties for placing graffiti on the property of another should be increased.

Summary of Bill: The penalties for placing graffiti on the property of another person are increased. The minimum criminal penalty for placing graffiti on another person's property is increased to a gross misdemeanor, even if the amount of damage is less than \$50.

The parental liability statute is amended to specifically allow the parents of a child under the age of 18 to be held liable for the damages caused by the child's graffiti up to a maximum of \$5,000.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: People are placing graffiti on property and not suffering significant penalties. Penalties should be increased to provide for both civil and criminal sanctions. Graffiti promotes criminal activity, especially criminal gang problems.

Testimony Against: None.

Testified: Senator Wojahn; Linda Forrester, City of Tacoma; Ralph Mackey, City of Everett.