
SENATE BILL 6205

State of Washington 57th Legislature 2001 Second Special Session

By Senators Rasmussen, Swecker and Jacobsen

Read first time . Referred to Committee on .

1 AN ACT Relating to sabotage resulting in damage to land,
2 facilities, and property; amending RCW 4.24.630 and 9.05.060;
3 reenacting and amending RCW 9.94A.320; creating a new section; and
4 prescribing penalties.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that state, federal,
7 and private facilities increasingly are becoming the target of
8 terrorist activities. Timber and mining companies, fur farms,
9 recreational, residential, commercial, and industrial development,
10 university research facilities, animal and biotechnology research
11 laboratories, and commercial and private animal production facilities
12 have become targets in a campaign of intimidation, obstruction, and
13 terrorism aimed at the closing of these facilities or industries.
14 These actions are not only illegal but impose extreme suffering and
15 loss on individuals, families, businesses, and communities and pose a
16 serious threat to human life.

17 **Sec. 2.** RCW 4.24.630 and 1999 c 248 s 2 are each amended to read
18 as follows:

1 (1) Every person who goes onto the land of another and who removes,
2 damages, or destroys livestock, timber, crops, minerals, or other
3 similar valuable property from the land, or wrongfully causes waste or
4 injury to the land or to commercial and private animal production
5 facilities, or wrongfully injures personal property or improvements to
6 real estate on the land, is liable to the injured party for treble the
7 amount of the damages caused by the removal, waste, or injury.

8 (2) Every person who injures, interferes with, interrupts,
9 intimidates, obstructs, or threatens to injure, interfere with,
10 interrupt, intimidate, or obstruct employees or other authorized
11 persons associated with any research or scientific investigation
12 conducted by a university, private research facility, or a
13 biotechnology laboratory is liable to the injured party for treble the
14 amount of the damages caused by the injury, interference, interruption,
15 intimidation, obstruction, or threat.

16 (3) For purposes of this section, a person acts "wrongfully" if the
17 person intentionally and unreasonably commits the act or acts while
18 knowing, or having reason to know, that he or she lacks authorization
19 to so act. Damages recoverable under this section include, but are not
20 limited to, damages for personal injury, damages for the market value
21 of the property removed or injured, and for injury to the land,
22 including the costs of restoration. In addition, the person is liable
23 for reimbursing the injured party for the party's reasonable costs,
24 including but not limited to investigative costs and reasonable
25 attorneys' fees and other litigation-related costs.

26 ~~((+2))~~ (4) This section does not apply in any case where liability
27 for damages is provided under RCW 64.12.030, 79.01.756, 79.01.760,
28 79.40.070, or where there is immunity from liability under RCW
29 64.12.035.

30 **Sec. 3.** RCW 9.05.060 and 1999 c 191 s 2 are each amended to read
31 as follows:

32 (1) Whoever, with intent that his or her act shall, or with reason
33 to believe that it may, injure, interfere with, interrupt, supplant,
34 nullify, impair, or obstruct the owner's or operator's management,
35 operation, or control of any agricultural, stockraising, lumbering,
36 mining, quarrying, fishing, manufacturing, transportation, mercantile,
37 or building enterprise, fur farm, university or private research
38 facility, biotechnology laboratory, commercial and private animal

1 production facilities, or any other public or private business or
2 commercial enterprise, wherein any person is employed for wage, shall
3 willfully damage or destroy, or attempt or threaten to damage or
4 destroy, any property whatsoever, or shall unlawfully take or retain,
5 or attempt or threaten unlawfully to take or retain, possession or
6 control of any property, instrumentality, machine, mechanism, or
7 appliance used in such business or enterprise, shall be guilty of
8 criminal sabotage.

9 (2) Whoever, with intent that his or her act shall, or with reason
10 to believe that it may, injure, interfere with, interrupt, supplant,
11 nullify, impair, intimidate, or obstruct employees or other authorized
12 persons associated with any research or scientific investigation
13 conducted by a university or private research facility or biotechnology
14 laboratory, shall willfully injure or intimidate, or threaten to injure
15 or intimidate, employees or other authorized persons associated with
16 any research or scientific investigation conducted by a university or
17 private research facility or biotechnology laboratory, shall be guilty
18 of criminal sabotage.

19 (3) Criminal sabotage is a felony.

20 **Sec. 4.** RCW 9.94A.320 and 2000 c 225 s 5, 2000 c 119 s 17, and
21 2000 c 66 s 2 are each reenacted and amended to read as follows:

22 TABLE 2

23 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

24 XVI	Aggravated Murder 1 (RCW 10.95.020)
25 XV	Homicide by abuse (RCW 9A.32.055)
26	Malicious explosion 1 (RCW 70.74.280(1))
27	Murder 1 (RCW 9A.32.030)
28 XIV	Murder 2 (RCW 9A.32.050)
29 XIII	Malicious explosion 2 (RCW 70.74.280(2))
30	Malicious placement of an explosive 1 (RCW
31	70.74.270(1))
32 XII	Assault 1 (RCW 9A.36.011)
33	Assault of a Child 1 (RCW 9A.36.120)
34	Malicious placement of an imitation device
35	1 (RCW 70.74.272(1)(a))

1 Rape 1 (RCW 9A.44.040)
2 Rape of a Child 1 (RCW 9A.44.073)
3 XI Manslaughter 1 (RCW 9A.32.060)
4 Rape 2 (RCW 9A.44.050)
5 Rape of a Child 2 (RCW 9A.44.076)
6 X Child Molestation 1 (RCW 9A.44.083)
7 Criminal Sabotage (RCW 9.05.060)
8 Indecent Liberties (with forcible
9 compulsion) (RCW 9A.44.100(1)(a))
10 Kidnapping 1 (RCW 9A.40.020)
11 Leading Organized Crime (RCW
12 9A.82.060(1)(a))
13 Malicious explosion 3 (RCW 70.74.280(3))
14 Manufacture of methamphetamine (RCW
15 69.50.401(a)(1)(ii))
16 Over 18 and deliver heroin,
17 methamphetamine, a narcotic from
18 Schedule I or II, or flunitrazepam
19 from Schedule IV to someone under 18
20 (RCW 69.50.406)
21 IX Assault of a Child 2 (RCW 9A.36.130)
22 Controlled Substance Homicide (RCW
23 69.50.415)
24 Explosive devices prohibited (RCW
25 70.74.180)
26 Homicide by Watercraft, by being under the
27 influence of intoxicating liquor or
28 any drug (RCW 79A.60.050)
29 Inciting Criminal Profiteering (RCW
30 9A.82.060(1)(b))
31 Malicious placement of an explosive 2 (RCW
32 70.74.270(2))
33 Over 18 and deliver narcotic from Schedule
34 III, IV, or V or a nonnarcotic, except
35 flunitrazepam or methamphetamine, from
36 Schedule I-V to someone under 18 and 3
37 years junior (RCW 69.50.406)
38 Robbery 1 (RCW 9A.56.200)

1 Sexual Exploitation (RCW 9.68A.040)
2 Vehicular Homicide, by being under the
3 influence of intoxicating liquor or
4 any drug (RCW 46.61.520)

5 VIII Arson 1 (RCW 9A.48.020)
6 Deliver or possess with intent to deliver
7 methamphetamine (RCW
8 69.50.401(a)(1)(ii))
9 Hit and Run--Death (RCW 46.52.020(4)(a))
10 Homicide by Watercraft, by the operation of
11 any vessel in a reckless manner (RCW
12 79A.60.050)
13 Manslaughter 2 (RCW 9A.32.070)
14 Manufacture, deliver, or possess with
15 intent to deliver amphetamine (RCW
16 69.50.401(a)(1)(ii))
17 Manufacture, deliver, or possess with
18 intent to deliver heroin or cocaine
19 (RCW 69.50.401(a)(1)(i))
20 Possession of Ephedrine, Pseudoephedrine,
21 or Anhydrous Ammonia with intent to
22 manufacture methamphetamine (RCW
23 69.50.440)
24 Promoting Prostitution 1 (RCW 9A.88.070)
25 Selling for profit (controlled or
26 counterfeit) any controlled substance
27 (RCW 69.50.410)
28 Theft of Anhydrous Ammonia (RCW 69.55.010)
29 Vehicular Homicide, by the operation of any
30 vehicle in a reckless manner (RCW
31 46.61.520)

32 VII Burglary 1 (RCW 9A.52.020)
33 Child Molestation 2 (RCW 9A.44.086)
34 Dealing in depictions of minor engaged in
35 sexually explicit conduct (RCW
36 9.68A.050)
37 Drive-by Shooting (RCW 9A.36.045)

1 Homicide by Watercraft, by disregard for
2 the safety of others (RCW 79A.60.050)
3 Indecent Liberties (without forcible
4 compulsion) (RCW 9A.44.100(1) (b) and
5 (c))
6 Introducing Contraband 1 (RCW 9A.76.140)
7 Involving a minor in drug dealing (RCW
8 69.50.401(f))
9 Malicious placement of an explosive 3 (RCW
10 70.74.270(3))
11 Sending, bringing into state depictions of
12 minor engaged in sexually explicit
13 conduct (RCW 9.68A.060)
14 Unlawful Possession of a Firearm in the
15 first degree (RCW 9.41.040(1)(a))
16 Use of a Machine Gun in Commission of a
17 Felony (RCW 9.41.225)
18 Vehicular Homicide, by disregard for the
19 safety of others (RCW 46.61.520)

20 VI Bail Jumping with Murder 1 (RCW
21 9A.76.170(2)(a))
22 Bribery (RCW 9A.68.010)
23 Incest 1 (RCW 9A.64.020(1))
24 Intimidating a Judge (RCW 9A.72.160)
25 Intimidating a Juror/Witness (RCW
26 9A.72.110, 9A.72.130)
27 Malicious placement of an imitation device
28 2 (RCW 70.74.272(1)(b))
29 Manufacture, deliver, or possess with
30 intent to deliver narcotics from
31 Schedule I or II (except heroin or
32 cocaine) or flunitrazepam from
33 Schedule IV (RCW 69.50.401(a)(1)(i))
34 Rape of a Child 3 (RCW 9A.44.079)
35 Theft of a Firearm (RCW 9A.56.300)
36 Unlawful Storage of Anhydrous Ammonia (RCW
37 69.55.020)

1 V Abandonment of dependent person 1 (RCW
2 9A.42.060)
3 Advancing money or property for
4 extortionate extension of credit (RCW
5 9A.82.030)
6 Bail Jumping with class A Felony (RCW
7 9A.76.170(2)(b))
8 Child Molestation 3 (RCW 9A.44.089)
9 Criminal Mistreatment 1 (RCW 9A.42.020)
10 Custodial Sexual Misconduct 1 (RCW
11 9A.44.160)
12 Delivery of imitation controlled substance
13 by person eighteen or over to person
14 under eighteen (RCW 69.52.030(2))
15 Domestic Violence Court Order Violation
16 (RCW 10.99.040, 10.99.050, 26.09.300,
17 26.10.220, 26.26.138, 26.50.110,
18 26.52.070, or 74.34.145)
19 Extortion 1 (RCW 9A.56.120)
20 Extortionate Extension of Credit (RCW
21 9A.82.020)
22 Extortionate Means to Collect Extensions of
23 Credit (RCW 9A.82.040)
24 Incest 2 (RCW 9A.64.020(2))
25 Kidnapping 2 (RCW 9A.40.030)
26 Perjury 1 (RCW 9A.72.020)
27 Persistent prison misbehavior (RCW
28 9.94.070)
29 Possession of a Stolen Firearm (RCW
30 9A.56.310)
31 Rape 3 (RCW 9A.44.060)
32 Rendering Criminal Assistance 1 (RCW
33 9A.76.070)
34 Sexual Misconduct with a Minor 1 (RCW
35 9A.44.093)
36 Sexually Violating Human Remains (RCW
37 9A.44.105)
38 Stalking (RCW 9A.46.110)
39 IV Arson 2 (RCW 9A.48.030)

1 Assault 2 (RCW 9A.36.021)
2 Assault by Watercraft (RCW 79A.60.060)
3 Bribing a Witness/Bribe Received by Witness
4 (RCW 9A.72.090, 9A.72.100)
5 Commercial Bribery (RCW 9A.68.060)
6 Counterfeiting (RCW 9.16.035(4))
7 Escape 1 (RCW 9A.76.110)
8 Hit and Run--Injury (RCW 46.52.020(4)(b))
9 Hit and Run with Vessel--Injury Accident
10 (RCW 79A.60.200(3))
11 Indecent Exposure to Person Under Age
12 Fourteen (subsequent sex offense) (RCW
13 9A.88.010)
14 Influencing Outcome of Sporting Event (RCW
15 9A.82.070)
16 Knowingly Trafficking in Stolen Property
17 (RCW 9A.82.050(2))
18 Malicious Harassment (RCW 9A.36.080)
19 Manufacture, deliver, or possess with
20 intent to deliver narcotics from
21 Schedule III, IV, or V or nonnarcotics
22 from Schedule I-V (except marijuana,
23 amphetamine, methamphetamines, or
24 flunitrazepam) (RCW 69.50.401(a)(1)
25 (iii) through (v))
26 Residential Burglary (RCW 9A.52.025)
27 Robbery 2 (RCW 9A.56.210)
28 Theft of Livestock 1 (RCW 9A.56.080)
29 Threats to Bomb (RCW 9.61.160)
30 Use of Proceeds of Criminal Profiteering
31 (RCW 9A.82.080 (1) and (2))
32 Vehicular Assault (RCW 46.61.522)
33 Willful Failure to Return from Furlough
34 (RCW 72.66.060)
35 III Abandonment of dependent person 2 (RCW
36 9A.42.070)
37 Assault 3 (RCW 9A.36.031)
38 Assault of a Child 3 (RCW 9A.36.140)

1 Bail Jumping with class B or C Felony (RCW
2 9A.76.170(2)(c))
3 Burglary 2 (RCW 9A.52.030)
4 Communication with a Minor for Immoral
5 Purposes (RCW 9.68A.090)
6 Criminal Gang Intimidation (RCW 9A.46.120)
7 Criminal Mistreatment 2 (RCW 9A.42.030)
8 Custodial Assault (RCW 9A.36.100)
9 Delivery of a material in lieu of a
10 controlled substance (RCW
11 69.50.401(c))
12 Escape 2 (RCW 9A.76.120)
13 Extortion 2 (RCW 9A.56.130)
14 Harassment (RCW 9A.46.020)
15 Intimidating a Public Servant (RCW
16 9A.76.180)
17 Introducing Contraband 2 (RCW 9A.76.150)
18 Maintaining a Dwelling or Place for
19 Controlled Substances (RCW
20 69.50.402(a)(6))
21 Malicious Injury to Railroad Property (RCW
22 81.60.070)
23 Manufacture, deliver, or possess with
24 intent to deliver marijuana (RCW
25 69.50.401(a)(1)(iii))
26 Manufacture, distribute, or possess with
27 intent to distribute an imitation
28 controlled substance (RCW
29 69.52.030(1))
30 Patronizing a Juvenile Prostitute (RCW
31 9.68A.100)
32 Perjury 2 (RCW 9A.72.030)
33 Possession of Incendiary Device (RCW
34 9.40.120)
35 Possession of Machine Gun or Short-Barreled
36 Shotgun or Rifle (RCW 9.41.190)
37 Promoting Prostitution 2 (RCW 9A.88.080)
38 Recklessly Trafficking in Stolen Property
39 (RCW 9A.82.050(1))

1 Securities Act violation (RCW 21.20.400)
2 Tampering with a Witness (RCW 9A.72.120)
3 Telephone Harassment (subsequent conviction
4 or threat of death) (RCW 9.61.230)
5 Theft of Livestock 2 (RCW 9A.56.080)
6 Unlawful Imprisonment (RCW 9A.40.040)
7 Unlawful possession of firearm in the
8 second degree (RCW 9.41.040(1)(b))
9 Unlawful Use of Building for Drug Purposes
10 (RCW 69.53.010)
11 Willful Failure to Return from Work Release
12 (RCW 72.65.070)

13 II Computer Trespass 1 (RCW 9A.52.110)
14 Counterfeiting (RCW 9.16.035(3))
15 Create, deliver, or possess a counterfeit
16 controlled substance (RCW
17 69.50.401(b))
18 Escape from Community Custody (RCW
19 72.09.310)
20 Health Care False Claims (RCW 48.80.030)
21 Malicious Mischief 1 (RCW 9A.48.070)
22 Possession of controlled substance that is
23 either heroin or narcotics from
24 Schedule I or II or flunitrazepam from
25 Schedule IV (RCW 69.50.401(d))
26 Possession of phencyclidine (PCP) (RCW
27 69.50.401(d))
28 Possession of Stolen Property 1 (RCW
29 9A.56.150)
30 Theft 1 (RCW 9A.56.030)
31 Theft of Rental, Leased, or Lease-purchased
32 Property (valued at one thousand five
33 hundred dollars or more) (RCW
34 9A.56.096(4))
35 Trafficking in Insurance Claims (RCW
36 48.30A.015)
37 Unlawful Practice of Law (RCW 2.48.180)
38 Unlicensed Practice of a Profession or
39 Business (RCW 18.130.190(7))

1 I Attempting to Elude a Pursuing Police
2 Vehicle (RCW 46.61.024)
3 False Verification for Welfare (RCW
4 74.08.055)
5 Forged Prescription (RCW 69.41.020)
6 Forged Prescription for a Controlled
7 Substance (RCW 69.50.403)
8 Forgery (RCW 9A.60.020)
9 Malicious Mischief 2 (RCW 9A.48.080)
10 Possess Controlled Substance that is a
11 Narcotic from Schedule III, IV, or V
12 or Non-narcotic from Schedule I-V
13 (except phencyclidine or
14 flunitrazepam) (RCW 69.50.401(d))
15 Possession of Stolen Property 2 (RCW
16 9A.56.160)
17 Reckless Burning 1 (RCW 9A.48.040)
18 Taking Motor Vehicle Without Permission
19 (RCW 9A.56.070)
20 Theft 2 (RCW 9A.56.040)
21 Theft of Rental, Leased, or Lease-purchased
22 Property (valued at two hundred fifty
23 dollars or more but less than one
24 thousand five hundred dollars) (RCW
25 9A.56.096(4))
26 Unlawful Issuance of Checks or Drafts (RCW
27 9A.56.060)
28 Unlawful Use of Food Stamps (RCW 9.91.140
29 (2) and (3))
30 Vehicle Prowl 1 (RCW 9A.52.095)

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