

SENATE BILL REPORT

SSB 5021

As Passed Senate, January 30, 2013

Title: An act relating to changing the crime of riot to the crime of criminal mischief.

Brief Description: Changing the crime of riot to the crime of criminal mischief.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Padden and Carrell).

Brief History:

Committee Activity: Law & Justice: 1/16/13, 1/21/13 [DPS].

Passed Senate: 1/30/13, 45-4.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5021 be substituted therefor, and the substitute bill do pass.

Signed by Senators Padden, Chair; Carrell, Vice Chair; Darneille, Kline, Ranking Member; Kohl-Welles, Pearson and Roach.

Staff: Sharon Swanson (786-7447)

Background: A person is guilty of the crime of riot if, acting with three or more persons, the person knowingly and unlawfully uses or threatens to use force, or in any way participates in the use of such force, against any other person or against property.

The crime of riot is a gross misdemeanor unless the actor is armed with a deadly weapon. If armed with a deadly weapon, the crime of riot is a class C felony.

Summary of Substitute Bill: The crime of riot is changed to the crime of criminal mischief.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: The bill takes effect on January 1, 2014.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Staff Summary of Public Testimony on Original Bill: PRO: In practice, the charge of riot is almost never the crime a person is charged with, rather, the crime of riot is most often charged as a reduction from an assault or other offense. Criminal mischief better describes what a defendant did to warrant prosecution, be it an assault or damage to property. It makes more sense to call the crime criminal mischief rather than riot. No other aspect of the crime or elements are changed.

CON: The attempt to rename offenses is not appropriate. A riot by any other name will still smell of tear gas. We don't talk about the Watts mischief. People know what it means when we speak of a riot. Criminal mischief denotes another image entirely. As a citizen, I wish to be charged with committing the crime of rioting, not criminal mischief.

Persons Testifying: PRO: Spokane Superior Court Judge Salvatore Cozza.

CON: Arthur West, citizen.