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**SENATE BILL 5336**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** Senators Miloscia, Hunt, Zeiger, Kuderer, Wellman, and Fortunato; by request of Secretary of State

AN ACT Relating to criminalizing damaging, destroying, tampering, or removing ballot return boxes or contents; amending RCW 9A.48.070, 9A.48.080, and 29A.84.540; and prescribing penalties.

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

**Sec.**  RCW 9A.48.070 and 2009 c 431 s 4 are each amended to read as follows:

(1) A person is guilty of malicious mischief in the first degree if he or she knowingly and maliciously:

(a) Causes physical damage to the property of another in an amount exceeding five thousand dollars;

(b) Causes an interruption or impairment of service rendered to the public by physically damaging or tampering with an emergency vehicle or property of the state, a political subdivision thereof, or a public utility or mode of public transportation, power, or communication; ((~~or~~))

(c) Causes an impairment of the safety, efficiency, or operation of an aircraft by physically damaging or tampering with the aircraft or aircraft equipment, fuel, lubricant, or parts; or

(d) Causes an interruption or impairment of service rendered to the public, by physically damaging, destroying, or removing without permission an official ballot deposit box or ballot drop box or damaging, destroying, removing without permission, or tampering with the contents thereof.

(2) Malicious mischief in the first degree is a class B felony.

**Sec.**  RCW 9A.48.080 and 2009 c 431 s 5 are each amended to read as follows:

(1) A person is guilty of malicious mischief in the second degree if he or she knowingly and maliciously:

(a) Causes physical damage to the property of another in an amount exceeding seven hundred fifty dollars; ((~~or~~))

(b) Creates a substantial risk of interruption or impairment of service rendered to the public, by physically damaging or tampering with an emergency vehicle or property of the state, a political subdivision thereof, or a public utility or mode of public transportation, power, or communication; or

(c) Creates a substantial risk of interruption or impairment of service rendered to the public, by physically damaging, destroying, or removing without permission an official ballot deposit box or ballot drop box or damaging, destroying, removing without permission, or tampering with the contents thereof.

(2) Malicious mischief in the second degree is a class C felony.

**Sec.**  RCW 29A.84.540 and 2011 c 10 s 72 are each amended to read as follows:

Any person who, without lawful authority, removes a ballot from a voting center or ballot drop location is guilty of a ((~~gross misdemeanor~~)) class C felony punishable to the same extent as a ((~~gross misdemeanor~~)) class C felony that is punishable under RCW 9A.20.021.

**--- END ---**