

FINAL BILL REPORT

SHB 1989

C 111 L 24
Synopsis as Enacted

Brief Description: Concerning a graffiti abatement and reduction pilot program.

Sponsors: House Committee on Transportation (originally sponsored by Representatives Barkis, Low, Jacobsen, Graham, Sandlin, Bergquist, Robertson and Hutchins).

House Committee on Transportation
Senate Committee on Transportation

Background:

Criminal Laws Prohibiting the Use of Graffiti.

Malicious Mischief in the third degree is a gross misdemeanor. A person is guilty of this crime if the person:

- knowingly and maliciously causes physical damage to the property of another under circumstances that do not qualify for Malicious Mischief in the first or second degree; or
- writes, paints, or draws any inscription, figure, or mark of any type on any public or private building or other structure or any real or personal property owned by another person, unless the person has obtained the express permission of the owner or operator of the property under circumstances that do not qualify for Malicious Mischief in the first or second degree.

A person is guilty of Malicious Mischief in the second degree, a class C felony, if the person:

- causes physical damage to the property of another in an amount exceeding \$750; or
- 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 transportation, power, or communication.

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

A person is guilty of Malicious Mischief in the first degree, a class B felony, if the person:

- causes physical damage to the property of another in an amount exceeding \$5,000; or
- causes an interruption or impairment of service provided 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.

"Physical damage," in addition to its ordinary meaning, also includes any diminution in the value of property as the consequence of an act and the cost to repair any physical damage.

A gross misdemeanor is punishable by imprisonment in a county jail for a maximum of up to 364 days, or by a fine no greater than \$5,000, or both. A class C felony is punishable by imprisonment in a state correctional institution for a maximum of five years, or by a fine no greater than \$10,000, or both. A class B felony is punishable by imprisonment in a state correctional institution for a maximum of 10 years or by a fine no greater than \$20,000, or both.

WSDOT Transportation Operations Program.

WSDOT's Transportation Operations Program uses traffic control devices and regulatory traffic measures to maximize highway capacity and safety. It also provides incident response and low-cost enhancements to the state highway system.

WSDOT's operations activities include active traffic and demand management, avalanche control, incident response services, the use of ramp meters, snow and ice removal, the use of traffic management signals, and the operation of traffic management centers.

Summary:

Subject to funds appropriated for this purpose, the Washington State Department of Transportation (WSDOT) is required to establish a Graffiti Abatement and Reduction Pilot Program that includes the following:

- field testing spray drone technology for the purpose of more efficiently painting over existing graffiti; and
- investigation and testing of improvements to systems capable of identifying individuals who damage property with graffiti.

The WSDOT is required to test these systems and additional graffiti prevention techniques, prioritizing the Interstate 5 (I-5) Puget Sound region from Tacoma to Seattle and the North Spokane Corridor.

The WSDOT is directed to report to the appropriate committees of the Legislature on the pilot program, including on the use of funding, results of actions used to identify people who damage property with graffiti, and field testing of spray drone technology. The report

is due by December 1, 2024.

The pilot program expires July 1, 2025.

Votes on Final Passage:

House 96 1

Senate 38 11

Effective: June 6, 2024