

# FINAL BILL REPORT

## SB 5336

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Synopsis as Enacted

**Brief Description:** Criminalizing damaging, destroying, tampering, or removing ballot return boxes or contents.

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

**Senate Committee on Law & Justice**  
**House Committee on Public Safety**

**Background:** A person is guilty of malicious mischief in the first degree if the person knowingly and maliciously:

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

Malicious mischief in the first degree is a Class B felony with a seriousness level of II.

A person is guilty of malicious mischief in the second degree if the person knowingly and maliciously:

- 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 public transportation, power, or communication.

Malicious mischief in the second degree is a Class C felony with a seriousness level of I.

A person who removes a ballot from a ballot drop location is guilty of a gross misdemeanor. A gross misdemeanor is punishable by imprisonment in the county jail up to 364 days, by a fine not to exceed \$5,000, or both. A Class C felony, is punishable by confinement in a state correctional institution for five years, by a fine not to exceed \$10,000, or both.

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*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.*

**Summary:** A person is guilty of malicious mischief in the first degree if the person causes an interruption or impairment of service rendered to the public by, without lawful authority, physically damaging, destroying, or removing an official ballot deposit box or ballot drop box or, without lawful authority, damaging, destroying, removing, or tampering with the contents.

A person is guilty of malicious mischief in the second degree if the person creates a substantial risk of interruption or impairment of service rendered to the public by, without lawful authority, physically damaging, destroying, or removing an official ballot deposit box or ballot drop box or, without lawful authority, damaging, destroying, removing, or tampering with the contents.

Any person who removes a ballot from a voting center or ballot drop location without lawful authority is guilty of a Class C felony.

**Votes on Final Passage:**

Senate	49	0	
House	97	1	(House amended)
Senate	48	0	(Senate concurred)

**Effective:** July 23, 2017