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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

Read first time 01/20/17. Referred to Committee on Law & Justice.

1 AN ACT Relating to criminalizing damaging, destroying, tampering,  
2 or removing ballot return boxes or contents; amending RCW 9A.48.070,  
3 9A.48.080, and 29A.84.540; and prescribing penalties.

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

5 **Sec. 1.** RCW 9A.48.070 and 2009 c 431 s 4 are each amended to  
6 read as follows:

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

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

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

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

19 (d) Causes an interruption or impairment of service rendered to  
20 the public, by physically damaging, destroying, or removing without  
21 permission an official ballot deposit box or ballot drop box or

1 damaging, destroying, removing without permission, or tampering with  
2 the contents thereof.

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

4 **Sec. 2.** RCW 9A.48.080 and 2009 c 431 s 5 are each amended to  
5 read as follows:

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

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

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

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

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

21 **Sec. 3.** RCW 29A.84.540 and 2011 c 10 s 72 are each amended to  
22 read as follows:

23 Any person who, without lawful authority, removes a ballot from a  
24 voting center or ballot drop location is guilty of a (~~gross~~  
25 ~~misdemeanor~~) class C felony punishable to the same extent as a  
26 (~~gross misdemeanor~~) class C felony that is punishable under RCW  
27 9A.20.021.

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