

SENATE BILL REPORT

SB 5917

As of January 15, 2024

Title: An act relating to criminal penalties for bias-motivated defacement of private or public property.

Brief Description: Concerning criminal penalties for bias-motivated defacement of private or public property.

Sponsors: Senators Billig, Dhingra, Pedersen, Trudeau, Hasegawa, Kuderer, Liias, Lovick, Mullet, Nguyen, Nobles, Salomon, Valdez and Wilson, C..

Brief History:

Committee Activity: Law & Justice: 1/18/24.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Modifies the elements of hate crimes.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Joe McKittrick (786-7287)

Background: A person is guilty of a hate crime offense if the person maliciously and intentionally commits one of the following acts because of the person's perception of the victim's race, color, religion, ancestry, national origin, gender, sexual orientation, gender expression or identity, or mental physical, or sensory disability:

- assaults the victim or another person;
- causes physical damage to or destruction of the property of the victim or another person; or
- threatens a specific person or group of persons and places that person, or members of the specific group of persons, in reasonable fear of harm to person or property.

The fear must be a fear a reasonable person would have under all the circumstances.

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.

Reasonable person is defined as a reasonable person who is a member of the victim's race, color, religion, ancestry, national origin, gender, or sexual orientation, or who has the same gender expression or identity, or the same mental, physical, or sensory disability as the victim.

Words alone do not constitute a hate crime offense unless the context or circumstances surrounding the words indicate the words are a threat. Threatening words do not constitute a hate crime offense if it is apparent to the victim the person does not have the ability to carry out the threat.

Hate crime offenses are level IV class C felonies and classified as crimes against persons, meaning a person convicted of a hate crime who has no relevant criminal history would have a standard sentencing range of three to nine months imprisonment followed by up to 12 months of community custody.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (Proposed Substitute): The elements of the hate crimes statute are amended. A person is guilty of a hate crime if the person maliciously and intentionally: (1) assaults another person; (2) causes physical damage to or destruction of the property of another; or (3) threatens a specific person or group of persons and places that person, or members of the specific group of persons, in reasonable fear of harm to person or property because of the perpetrator's perception of another person's, race, color, religion, ancestry, national origin, gender, sexual orientation, gender expression or identity, or mental, physical, or sensory disability.

Appropriation: None.

Fiscal Note: Requested on January 9, 2024.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.