

# HOUSE BILL REPORT

## HB 1433

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**As Passed House:**

February 22, 1995

**Title:** An act relating to defacement of state monuments.

**Brief Description:** Penalizing defacement of a state monument.

**Sponsors:** Representatives Conway, Basich, Boldt, Romero, Poulsen, Huff, McMahan, Regala, Pelesky, L. Thomas, Thompson, Costa, Dickerson, Sherstad, Hatfield, Ebersole, Schoesler, Chopp and Carrell.

**Brief History:**

**Committee Activity:**

Law & Justice: 2/14/95, 2/15/95 [DP].

**Floor Activity:**

Passed House: 2/22/95, 97-0.

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### HOUSE COMMITTEE ON LAW & JUSTICE

**Majority Report:** Do pass. Signed by 17 members: Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith; Thibaudeau and Veloria.

**Staff:** Lissa Kaufman (786-5793).

**Background:** The state can prosecute a person for malicious mischief if that person knowingly and maliciously causes damage to the property of another. If the amount of the property damage exceeds \$1,500, the state can charge the person with malicious mischief in the first degree, a class B felony. If the amount of the property damage is less than \$1,500, but greater than \$250, the state can charge the person with malicious mischief in the second degree, a class C felony. If the amount of property damage is less than \$250, the state can charge the person with malicious mischief in the third degree. The offense of malicious mischief in the third degree is a gross misdemeanor if the amount of property damage exceeds \$50. Otherwise, malicious mischief in the third degree is a misdemeanor. The state can prosecute a person who knowingly and maliciously defaces a state monument or memorial for malicious mischief.

Malice is an element of the crime of malicious mischief. Malice is defined as an evil intent, wish, or design to annoy or injure another person. It is generally not a crime for a person to knowingly cause damage to the property of another if he or she acts without malice.

Under current law there are a few provisions which address willful damage to particular types of public property, such as school property. However, there is no provision which specifically deals with intentional damage to state monuments and memorials.

**Summary of Bill:** A person who knowingly defaces a state monument or memorial is guilty of a misdemeanor. There is no requirement that the person causing damage to a state monument or memorial act maliciously.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** Monuments are precious. There have been problems with people defacing the Korean War memorial on the capital campus and with people defacing monuments with marks from roller blades. There is no law on the books aside from malicious mischief which addresses the defacement of monuments.

**Testimony Against:** None.

**Testified:** Representative Conway, prime sponsor (pro); Glenn Galbreath, Northwest Chapter of Paralyzed Veterans Association and Veterans Coalition (pro); Tim Erickson, Washington State Patrol (for); and Rick Jensen, Washington State Patrol Troopers Association (pro).