
HOUSE BILL 1783

State of Washington

53rd Legislature

1993 Regular Session

By Representatives Van Luven, Ludwig, Padden, Scott, Wineberry,
Ballasiotes and Johanson

Read first time 02/08/93. Referred to Committee on Judiciary.

1 AN ACT Relating to criminal property damage or destruction; and
2 amending RCW 9A.48.010 and 9A.48.080.

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

4 **Sec. 1.** RCW 9A.48.010 and 1975-'76 2nd ex.s. c 38 s 6 are each
5 amended to read as follows:

6 (1) For the purpose of this chapter, as now or hereinafter amended,
7 unless the context indicates otherwise:

8 (a) "Building" has the definition in RCW 9A.04.110(5), and where a
9 building consists of two or more units separately secured or occupied,
10 each unit shall not be treated as a separate building;

11 (b) "Damages", in addition to its ordinary meaning, includes any
12 charring, scorching, burning, or breaking, or agricultural or
13 industrial sabotage, and shall include any diminution in the value of
14 any property as a consequence of an act;

15 (c) "Malicious" or "maliciously," for purposes of RCW 9A.48.070
16 through 9A.48.100, exists either when a person (i) acts with the state
17 of mind specified in RCW 9A.04.110(12); or (ii) intentionally damages
18 or destroys property without having any reasonable belief that he or
19 she is authorized to do so.

1 (2) To constitute arson it shall not be necessary that a person
2 other than the actor should have had ownership in the building or
3 structure damaged or set on fire.

4 **Sec. 2.** RCW 9A.48.080 and 1979 c 145 s 2 are each amended to read
5 as follows:

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

8 (a) Causes physical damage to the property of another in an amount
9 exceeding two 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) Notwithstanding RCW 16.52.070, causes physical damage,
16 destruction, or injury by amputation, mutilation, castration, or other
17 malicious act to another's pet dog or cat or to a horse, mule, cow,
18 heifer, bull, steer, donkey, swine, goat, or sheep which is the
19 property of another. This subsection does not prevent a conviction
20 under RCW 9A.48.070(1)(a) if the physical damages exceed one thousand
21 five hundred dollars.

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

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