

***Criminal Justice & Corrections
Committee***

HB 1938

Brief Description: *Prescribing penalties for sabotage resulting in damage to land, facilities, and property.*

Sponsors: *Representatives Pearson, Sump, Doumit, Jackley, Pennington, Mulliken, Boldt, Schoesler and Buck.*

Brief Summary of Bill

- *Expands the criminal sabotage– statute to include a fur farm, university or private research facility, or biotechnology laboratory.*
- *Categorizes criminal sabotage– as a seriousness level X on the sentencing guidelines grid.*
- *Authorizes treble damages to be recovered for removing, damaging, or destroying livestock on the land of another.*

Hearing Date: *2/23/01*

Staff: *Katy Freeman (786-7386).*

Background:

A person is guilty of criminal sabotage if he or she damages or destroys, attempts or threatens to damage or destroy, any piece of property with the intent to disrupt the management, operation, or control of any agricultural, stockraising, lumbering, mining, quarrying, fishing, manufacturing, transportation, mercantile, building, or any other public or private business or commercial enterprise. A person is also guilty of criminal sabotage if he or she takes or retains, attempts or threatens to take or retain, possession or control of any piece of property, instrumentality, machine, mechanism, or appliance used in a business or enterprise listed above with the intent to disrupt the management, operation, or control of that business or enterprise.

Criminal sabotage is an unranked felony. Offenders convicted of unranked felonies,– felonies without an established seriousness level on the sentencing guidelines grid, are not subject to standard sentence ranges. Generally, in these cases, courts are required to impose a determinate sentence which may include not more than one year of confinement and may also include community service, legal financial obligations, a term of community supervision not to exceed one year and/or a fine.

A person who removes timber, crops, or other valuable property from the land of another or whose wrongful act causes damage to the land of another is liable to the injured party for treble the amount of damage caused. Wrongful acts for which treble damages may be recovered include wrongful waste or injury to the land. Damages that may be trebled include damages for the market value of the things removed, as well as for the value of injury to the land, including the costs of restoration. The person is also liable for reimbursing the injured party for the party's reasonable investigative and attorney fees and other litigation-related costs.

A person acts wrongfully– if he or she intentionally and unreasonably commits an act while knowing or having reason to know that he or she lacks authority to so act.

Summary of Bill:

Criminal sabotage is expanded to include damaging or destroying, attempting or threatening to damage or destroy, any piece of property with the intent to disrupt the management, operation, or control of a fur farm, university or private research facility, or biotechnology laboratory. A person is also guilty of criminal sabotage if he or she takes or retains, or attempts or threatens to take or retain, possession or control of any piece of property, instrumentality, machine, mechanism, or appliance used in a fur farm, university or private research facility, or biotechnology laboratory with the intent to disrupt the management, operation, or control of that business or enterprise.

Criminal sabotage is categorized as a seriousness level X on the sentencing guidelines grid. The presumptive sentence range for a level X offender with no prior criminal history is 51 to 68 months.

Wrongful acts for which treble damages may be recovered are expanded to include removing, damaging, or destroying livestock on the land of another. Additionally, treble damages may be recovered for damaging or destroying as well as removing timber, crops, minerals, or other similar valuable property from the land.

Appropriation: None.

Fiscal Note: Requested on February 18, 2001.

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