

HOUSE BILL REPORT

HB 1938

As Reported by House Committee On:

Criminal Justice & Corrections

Title: An act relating to sabotage resulting in damage to land, facilities, and property.

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 History:

Committee Activity:

Criminal Justice & Corrections: 2/23/01, 2/26/01 [DPS].

Brief Summary of Substitute Bill

- Expands the criminal sabotage– statute to include fur farms, university and private research facilities, biotechnology laboratories, and commercial and private animal production facilities.
- Categorizes criminal sabotage– as a seriousness level X on the sentencing guidelines grid.
- Expands the authorization of treble damages.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Cairnes, Kagi, Kirby and Morell.

Staff: Katy Freeman (786-7386).

Background:

A person is guilty of criminal sabotage if he or she damages or destroys, or 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, or 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 act.

Summary of Substitute Bill:

Criminal sabotage is expanded to include fur farms, university or private research facilities, biotechnology laboratories, and commercial and private animal production facilities.

The crime of criminal sabotage is expanded to include a person who, with the intent to disrupt the employees or other authorized persons, willfully injures or intimidates, or threatens to injure or intimidate, employees or other authorized persons associated with any research or scientific investigation conducted by a university or private research facility or biotechnology laboratory.

Authorization of treble damages is expanded to include:

- damaging or destroying as well as removing livestock, timber, crops, minerals, or other similar valuable property from the land of another;

- wrongfully causing waste or injury to commercial and private animal production facilities; and
- injuring, interfering with, interrupting, intimidating, obstructing, or threatening to injure, interfere with, intimidate, or obstruct employees and other authorized persons associated with any research or scientific investigation conducted by a university or private research facility or biotechnology laboratory.

Treble damages for personal injuries may also be obtained under this statute.

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.

Substitute Bill Compared to Original Bill:

The substitute bill expands the authorization of treble damages. The criminal sabotage statute is expanded to include commercial and private animal production facilities. Additionally, the criminal sabotage statute is expanded to include willfully injuring or intimidating, or threats of injuring or intimidating, employees or other authorized persons associated with any research or scientific investigation conducted by a university or private research facility or biotechnology laboratory.

Appropriation: None.

Fiscal Note: Requested on February 18, 2001.

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

Testimony For: Washington has domestic terrorists who are causing damage on a regular basis to university research facilities, logging companies, mining companies, farmers and ranchers. Citizens should not tolerate this type of civil disobedience. The attacks happen quickly. They are well organized and cause economic harm to communities. The domestic terrorists are nationally organized and globally funded.

This bill is a non-partisan measure to address criminal conduct. Farmers and ranchers often receive direct threats from these terrorists. The cattle industry is under siege from attacks. The attacks affect not just property, but also personnel at research facilities which makes them fearful. Important medical research is lost because of this terrorism. This research will potentially help children and people around the world.

(Concerns) Commercial and private animal production should be included in the bill. The bill should also include threats and intimidation, and not just property damage.

Testimony Against: None.

Testified: Representative Pearson, prime sponsor; Bill Pickell, Washington Contract Loggers Association; Barry Clausen, North American Research; Linda Johnson, Washington Farm Bureau; Jim Zimmerman, Washington Cattlemen Association and Washington State Grange; Charles E. Powell, Washington State University, Susan Adler, Washington Association for Biomedical Research; and Heather Hanson, Washington Friends of Farms and Forests.