
Criminal Justice & Corrections Committee

SSB 6422

Brief Description: Defining "property of another" for purposes of crimes against property.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Costa and McCaslin).

Brief Summary of Substitute Bill

- Defines "property of another" as property in which an actor possesses anything less than exclusive ownership.

Hearing Date: 2/27/02

Staff: Jim Morishima (786-7191).

Background:

A person who knowingly and maliciously causes physical damage to the property of another is guilty of malicious mischief. The degree of the crime depends, in part, on the value of the property destroyed. If the property has a value of over \$1,500, the person is guilty of malicious mischief in the first degree (class B felony, seriousness level II). If the property has a value of over \$250, but not exceeding \$1,500, the person is guilty of malicious mischief in the second degree (class C felony, seriousness level I). If the property has a value of \$250 or less, the person is guilty of malicious mischief in the third degree (gross misdemeanor or misdemeanor, depending on the value of the property).

The term "property of another" is not defined in statute. Division II of the Washington Court of Appeals recently ruled that property of another does not include community property. *State v. Coria*, 105 Wn.App. 51 (2001). Community property is property owned by a married couple. Each spouse owns an undivided, fully vested, one-half interest of all community property. Therefore, according to the Court of Appeals, a person who knowingly and maliciously causes physical damage to co-possessioned community property is not guilty of malicious mischief.

Summary of Bill:

"Property of another" is defined as property in which the actor possesses anything less than exclusive ownership.

Appropriation: None.

Fiscal Note: Requested on February 19, 2002.

Effective Date: The bill contains an emergency clause and takes effect immediately.