

# SENATE BILL REPORT

## 2SHB 1938

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As Reported By Senate Committee On:  
Judiciary, February 28, 2002

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

**Brief Description:** Making sabotage an aggravating circumstance.

**Sponsors:** House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Pearson, Sump, Doumit, Jackley, Pennington, Mulliken, Boldt, Schoesler and Buck).

**Brief History:**

**Committee Activity:** Judiciary: 2/28/02 [DPA].

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass as amended.

Signed by Senators Kline, Chair; Kastama, Vice Chair; Hargrove, Long, McCaslin, Poulsen, Roach, Thibaudeau and Zarelli.

**Staff:** Aldo Melchiori (786-7439)

**Background:** A person is guilty of criminal sabotage if he or she, with intent that his or her act shall, or with reason to believe that it may, injure, interfere with, interrupt, supplant, nullify, impair, or obstruct the owner's or operator's management, operation, or control of any agricultural, stockraising, lumbering, mining, quarrying, fishing, manufacturing, transportation, mercantile, or building enterprise, or any other public or private business or commercial enterprise, in which any person is employed for wage, willfully damages or destroys, or attempts or threatens to damage or destroy, any property, or takes or retains, or attempts or threatens to take or retain, possession or control of any property, instrumentality, machine, mechanism, or appliance used in such business or enterprise. Criminal sabotage is an unranked felony.

A person is guilty of an unranked class C felony: if he or she, without authorization, knowingly takes, releases, destroys, contaminates, or damages any animal or animals kept in a research or educational facility where the animal or animals are used or to be used for medical research purposes or other research purposes or for educational purposes; or if he or she, without authorization, knowingly destroys or damages any records, equipment, research product, or other thing pertaining to such animal or animals.

There are many other crimes for which the criminal code provides penalties for the damage or taking of property.

The maximum penalty for an unranked offense is one year of confinement. A judge may impose a sentence outside the standard range sentence range for any ranked offenses if

mitigating or aggravating circumstances are found by a preponderance of the evidence at sentencing. Sentences outside the standard range are subject to appeal. No sentence may exceed the maximum penalty established for that crime.

**Summary of Amended Bill:** If a judge, at sentencing, finds that any offense was committed with intent that the act may injure, nullify, impair, or obstruct the owner's or operator's management, operation, or control of any structure used for horticultural or biological research, health care facility, public or private forestry research facility, the offender may be sentenced above the standard sentence range for that offense.

**Amended Bill Compared to Original Bill:** The amendment removes timber enterprises and fur farm enterprises from the list of facilities and adds public or private forestry research facilities.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** Fur farms and timber enterprises are being damaged more often than any other facilities. There are many vandalism attacks on logging equipment that just do not make the headlines.

**Testimony Against:** The state does not need new laws. The state needs to put more effort into catching these vandals and prosecuting them under the laws we already have.

**Testified:** PRO: Representative Pearson, prime sponsor; Jackie Der, UW; Larry Ganders, WSU; Dan Coyner; Heather Hanson, Washington Friends of Farms and Forests; Jim J Zimmerman, Washington Cattleman Association; Linda Johnson, Farm Bureau; Susan Adler, Washington Association for Biomedical Research; CON: Jennifer Shaw, WDA/WACDL.