
HOUSE BILL 2825

State of Washington

58th Legislature

2004 Regular Session

By Representatives Clements, Carrell, Skinner, Newhouse, Chandler, Campbell and Boldt

Read first time 01/21/2004. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to restitution for malicious mischief; amending RCW
2 9A.48.090; and providing an effective date.

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

4 **Sec. 1.** RCW 9A.48.090 and 2003 c 53 s 71 are each amended to read
5 as follows:

6 (1) A person is guilty of malicious mischief in the third degree if
7 he or she:

8 (a) Knowingly and maliciously causes physical damage to the
9 property of another, under circumstances not amounting to malicious
10 mischief in the first or second degree; or

11 (b) Writes, paints, or draws any inscription, figure, or mark of
12 any type on any public or private building or other structure or any
13 real or personal property owned by any other person unless the person
14 has obtained the express permission of the owner or operator of the
15 property, under circumstances not amounting to malicious mischief in
16 the first or second degree.

17 (2)(a) Malicious mischief in the third degree under subsection
18 (1)(a) of this section is a gross misdemeanor if the damage to the
19 property (~~is in an amount exceeding~~) exceeds fifty dollars.

1 (b) Malicious mischief in the third degree under subsection (1)(a)
2 of this section is a misdemeanor if the damage to the property is fifty
3 dollars or less.

4 (c) Malicious mischief in the third degree under subsection (1)(b)
5 of this section is a gross misdemeanor.

6 (3) In sentencing any person convicted of malicious mischief, the
7 judge shall also order the defendant or, if the defendant is a minor,
8 the defendant's parents to pay restitution in an amount sufficient to
9 fully compensate the victim for damages. Payment must be made by the
10 person ordered to pay restitution:

11 (a) Immediately if the person is employed;

12 (b) By writ of garnishment if the employed person is not able to
13 pay immediately; and

14 (c) Under a mandatory payment plan if the person is neither
15 employed nor able to pay immediately.

16 NEW SECTION. Sec. 2. This act takes effect July 1, 2004.

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