

SB 5336 - H COMM AMD
By Committee on Public Safety

ADOPTED 04/12/2017

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 9A.48.070 and 2009 c 431 s 4 are each amended to
4 read as follows:

5 (1) A person is guilty of malicious mischief in the first degree
6 if he or she knowingly and maliciously:

7 (a) Causes physical damage to the property of another in an
8 amount exceeding five thousand dollars;

9 (b) Causes an interruption or impairment of service rendered to
10 the public by physically damaging or tampering with an emergency
11 vehicle or property of the state, a political subdivision thereof, or
12 a public utility or mode of public transportation, power, or
13 communication; ((~~or~~))

14 (c) Causes an impairment of the safety, efficiency, or operation
15 of an aircraft by physically damaging or tampering with the aircraft
16 or aircraft equipment, fuel, lubricant, or parts; or

17 (d) Causes an interruption or impairment of service rendered to
18 the public by, without lawful authority, physically damaging,
19 destroying, or removing an official ballot deposit box or ballot drop
20 box or, without lawful authority, damaging, destroying, removing, or
21 tampering with the contents thereof.

22 (2) Malicious mischief in the first degree is a class B felony.

23 **Sec. 2.** RCW 9A.48.080 and 2009 c 431 s 5 are each amended to
24 read as follows:

25 (1) A person is guilty of malicious mischief in the second degree
26 if he or she knowingly and maliciously:

27 (a) Causes physical damage to the property of another in an
28 amount exceeding seven hundred fifty dollars; ((~~or~~))

29 (b) Creates a substantial risk of interruption or impairment of
30 service rendered to the public, by physically damaging or tampering
31 with an emergency vehicle or property of the state, a political

1 subdivision thereof, or a public utility or mode of public
2 transportation, power, or communication; or

3 (c) Creates a substantial risk of interruption or impairment of
4 service rendered to the public by, without lawful authority,
5 physically damaging, destroying, or removing an official ballot
6 deposit box or ballot drop box or, without lawful authority,
7 damaging, destroying, removing, or tampering with the contents
8 thereof.

9 (2) Malicious mischief in the second degree is a class C felony.

10 **Sec. 3.** RCW 29A.84.540 and 2011 c 10 s 72 are each amended to
11 read as follows:

12 Any person who, without lawful authority, removes a ballot from a
13 voting center or ballot drop location is guilty of a (~~gross~~
14 ~~misdemeanor~~) class C felony punishable to the same extent as a
15 (~~gross misdemeanor~~) class C felony that is punishable under RCW
16 9A.20.021."

17 Correct the title.

EFFECT: Retains all provisions of the underlying bill, but
removes language stating that removal of a ballot box or ballot must
be "without permission" in order to be considered malicious mischief,
and instead requires any conduct relating to ballot boxes and ballots
to be taken "without lawful authority" in order to be considered
malicious mischief.

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