

SENATE BILL REPORT

SB 5009

As of March 6, 2017

Title: An act relating to offenses involving economic disruption.

Brief Description: Concerning offenses involving economic disruption.

Sponsors: Senators Ericksen and Sheldon.

Brief History:

Committee Activity: Law & Justice:

Brief Summary of Bill

- Creates a special allegation that a prosecuting attorney may allege if an underlying crime was committed to cause economic disruption.
- Excludes activities that are reasonably construed as persons engaged in lawful activity.
- Adds additional terms of mandatory total confinement if found by a preponderance of the evidence.
- Provides that an offender may be ordered to pay up to three times the economic gains or damages.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Aldo Melchiori (786-7439)

Background: A person is guilty of the crime of criminal mischief if, acting with three or more other persons, the person knowingly and unlawfully uses or threatens to use force, or in any way participates in the use of such force, against any other person or against property. Criminal mischief is a gross misdemeanor, up to 364 days of incarceration, unless the person is armed with a deadly weapon in which case it is an unranked Class C felony, up to one year of incarceration. The offender may be sentenced to up to five years of incarceration for the unranked C felony if the court finds aggravating circumstances for justifying an exceptional sentence.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

A person is guilty of a misdemeanor, up to 90 days of incarceration, for failure to disperse if: the person congregates with a group of three or more other persons and there are acts of conduct within that group which create a substantial risk of causing injury to any person, or substantial harm to property; and the person refuses or fails to disperse when ordered to do so by a peace officer or other public servant engaged in enforcing or executing the law.

A person is guilty of disorderly conduct if the person: (1) uses abusive language and thereby intentionally creates a risk of assault; (2) intentionally disrupts any lawful assembly or meeting of persons without lawful authority; (3) intentionally obstructs vehicular or pedestrian traffic without lawful authority; or (4) intentionally engages in fighting or in tumultuous conduct or makes unreasonable noise, within 500 feet of: the location where a funeral or burial is being performed, a funeral home during the viewing of a deceased person, or a funeral procession or service if the person knows that the funeral procession or service is taking place and that the activity affects the procession or service. Disorderly conduct is a misdemeanor.

A person is guilty of false reporting if, with knowledge that the information reported, conveyed, or circulated is false, the person initiates or circulates a false report or warning of an alleged occurrence or impending occurrence of a fire, explosion, crime, catastrophe, or emergency knowing that the false report is likely to cause evacuation of a building, place of assembly, or transportation facility, or to cause public inconvenience or alarm. False reporting is a gross misdemeanor.

Summary of Bill: The Legislature recognizes and supports the ability of individuals to exercise their rights of free speech, press, and peaceful assembly. A prosecuting attorney may file a special allegation alleging that a person committed a criminal offense to cause economic disruption. If the defendant is convicted of the underlying criminal offense and the court finds, by a preponderance of the evidence, that the offense was committed to cause economic disruption, the following mandatory periods of total confinement are added to the underlying sentence:

- for a misdemeanor - 60 days;
- for a gross misdemeanor - 6 months; or
- for any felony - 12 months.

The additional time of confinement runs consecutively to all other sentencing provisions. The offender may also be ordered to pay up to three times the amount of the offender's gain or the victim's loss from the commission of the crime.

Economic disruption means to commit a crime intending to: influence the policy of a government by intimidation or coercion by obstructing, hindering, or delaying the passage of any train, truck, car, ship, boat, aircraft, or other vehicle or vessel engaged in the carriage, hauling, transport, shipment, or delivery of goods, cargo, freight, or other item, in commerce; or interfere with, tamper with, damage, or obstruct any pipeline facility, bulk oil terminal, marine terminal, tank car, waterborne vessel or barge, or power plant.

A person is an accomplice in the commission of the crime if, with knowledge that it will promote or facilitate the commission of the crime, the person: solicits, commands,

encourages, or requests the other person to commit the crime; or aids or agrees to aid the other person in planning or committing the crime.

This offense does not include activity that is reasonably construed as persons engaged in lawful activity including the following: law enforcement activity; construction; repair; maintenance; utility work; a lawful strike or picketing; peaceful protest; other authorized or properly permitted conduct; or persons investigating or reporting criminal conduct or illegal activity to proper authorities.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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