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## Civil Rights & Judiciary Committee

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### HB 1283

**Brief Description:** Including the open carry or display of weapons within the offense of criminal mischief.

**Sponsors:** Representatives Senn, Valdez, Ramel, Bateman, Fitzgibbon, Berry, Peterson, Hackney, Thai, Kloba, Macri, Pollet, Stonier and Harris-Talley.

<p style="text-align: center;"><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Prohibits acting with three or more other persons and openly carrying or displaying a deadly weapon in a manner that would lead a reasonable person to feel threatened.</li></ul>
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**Hearing Date:** 2/2/21

**Staff:** John Burzynski (786-7133).

**Background:**

Criminal Mischief.

A person is guilty of the crime of criminal mischief if, acting with three or more other persons, he or she 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, unless the actor is armed with a deadly weapon, in which case criminal mischief is a class C felony.

Deadly weapon means any explosive or loaded or unloaded firearm, and shall include any other weapon, device, instrument, article, or substance, including a vehicle as defined in RCW 9A.04.110, which, under the circumstances in which it is used, attempted to be used, or

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threatened to be used, is readily capable of causing death or substantial bodily harm.

Gross misdemeanors are punishable by imprisonment in the county jail for a maximum term fixed by the court of up to 364 days, or by a fine in an amount fixed by the court of not more than \$5,000, or by both such imprisonment and fine.

A class C felony is punishable by confinement in a state correctional institution for up to 5 years, or by a fine in an amount fixed by the court of up to \$10,000, or by both such confinement and fine.

Washington Laws Governing the Use of Weapons.

Subject to limited exceptions, Washington prohibits in relevant part:

1. aiming a firearm, whether loaded or not, at or towards any human being;
2. willfully discharging any firearm, air gun or other weapon, or throwing any deadly missile in a public place, or in any place where any person might be endangered thereby; and
3. carrying, exhibiting, displaying, or drawing any firearm, dagger, sword, knife or other cutting or stabbing instrument, club, or any other weapon apparently capable of producing bodily harm, in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate another or that warrants alarm for the safety of other persons.

Violation of these prohibitions is a gross misdemeanor.

**Summary of Bill:**

The crime of criminal mischief is expanded to include, while acting with three or more persons, openly carrying or displaying a deadly weapon in a manner that would lead a reasonable person to feel threatened.

The crime of criminal mischief is a class C felony if the actor is armed with a deadly weapon.

**Appropriation:** None.

**Fiscal Note:** Preliminary fiscal note available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.