

SENATE BILL REPORT

SB 5059

As Reported by Senate Committee On:
Law & Justice, January 28, 2021

Title: An act relating to protecting state and federal monuments, memorials, and statues from damage intentionally inflicted during the course of unpeaceful demonstrations or riots.

Brief Description: Concerning protecting state and federal monuments, memorials, and statues from damage intentionally inflicted during the course of unpeaceful demonstrations or riots.

Sponsors: Senators McCune, Holy and Wagoner.

Brief History:

Committee Activity: Law & Justice: 1/26/21, 1/28/21 [DPS, DNP].

Brief Summary of First Substitute Bill

- Expands the definition of monument to include property owned by the federal government, state, or other municipalities.
- Raises the classification of defacing a monument to a gross misdemeanor.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5059 be substituted therefor, and the substitute bill do pass.

Signed by Senators Pedersen, Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Darneille, Holy, Kuderer, Salomon and Wagoner.

Minority Report: Do not pass.

Signed by Senator Dhingra, Vice Chair.

Staff: Alicia Kinne-Clawson (786-7407)

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

Background: Defacing a monument or memorial on the state capitol campus or state property is a misdemeanor.

In certain circumstances, the Veterans' Memorial Preservation and Recognition Act (VMPRA) criminalizes the willful injury or destruction, or attempted willful injury or destruction, of any structure, plaque, statue, or other monument on public property commemorating the service of any person or persons in the armed forces of the United States. A person convicted of violating this provision may be imprisoned up to ten years, making the crime a felony. The VMPRA is in its scope to monuments on federal property or instances of interstate commerce.

Gross misdemeanors are punishable by a maximum term of confinement of 364 days in jail and a fine of up to \$5,000.

Summary of Bill (First Substitute): The act of defacing a statue, monument, or memorial on the capitol campus or other property owned by a public body is a gross misdemeanor.

"Public body" means the federal government, state of Washington, its agencies, institutions, political subdivisions, and municipal and quasi-municipal corporations.

EFFECT OF CHANGES MADE BY LAW & JUSTICE COMMITTEE (First Substitute):

- Modifies the penalty from a class C felony to a gross misdemeanor.

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.

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: This monument bill will give the greatest protection to state and federal monuments. Our history is important to all of us and generations to come. Some of these monuments would cost millions of dollars to replace. They teach Washingtonians our history. This bill would help make it a better deterrent to protect our monuments in this state.

Persons Testifying: PRO: Senator Jim McCune, Prime Sponsor.

Persons Signed In To Testify But Not Testifying: No one.