
Transportation Committee

HB 1989

Brief Description: Creating a graffiti abatement and reduction program.

Sponsors: Representatives Barkis, Low, Jacobsen, Graham, Sandlin, Bergquist, Robertson and Hutchins.

Brief Summary of Bill

- Requires the Washington State Department of Transportation (WSDOT) to establish a Graffiti Abatement and Reduction Program.
- Authorizes the WSDOT to use WSDOT-owned cameras, except those in use for tolling and work safety zone enforcement, to identify individuals who damage property with graffiti.
- Directs the WSDOT to coordinate with other entities to pursue legal action against individuals who exhibit a pattern of damaging the WSDOT's and others' property with graffiti.
- Directs the WSDOT, subject to appropriations, to determine whether there are anti-graffiti products and paints that can effectively be used on highway walls and other facility surfaces.
- Requires the WSDOT to report to the Legislature on expenditures and results of the program.

Hearing Date: 1/15/24

Staff: Jennifer Harris (786-7143).

Background:

Malicious Mischief in the third degree is a gross misdemeanor. A person is guilty of this crime

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.

if the person:

- knowingly and maliciously causes physical damage to the property of another under circumstances that do not qualify for Malicious Mischief in the first or second degree; or
- writes, paints, or draws any inscription, figure, or mark of any type on any public or private building or other structure or any real or personal property owned by another person unless the person has obtained the express permission of the owner or operator of the property under circumstances that do not qualify for Malicious Mischief in the first or second degree.

A person is guilty of Malicious Mischief in the second degree, a class C felony, if the person:

- causes physical damage to the property of another in an amount exceeding \$750; or
- creates a substantial risk of interruption or impairment of service rendered to the public by physically damaging or tampering with an emergency vehicle or property of the state, a political subdivision thereof, or a public utility or mode of transportation, power, or communication.

A person is guilty of Malicious Mischief in the first degree, a class B felony, if the person:

- causes physical damage to the property of another in an amount exceeding \$5,000; or
- causes an interruption or impairment of service provided to the public by physically damaging or tampering with an emergency vehicle or property of the state, a political subdivision thereof, or a public utility or mode of public transportation, power, or communication.

"Physical damage," in addition to its ordinary meaning, also includes any diminution in the value of property as the consequence of an act and the cost to repair any physical damage.

A person is guilty of Criminal Street Gang Tagging and Graffiti, a gross misdemeanor, if the person commits Malicious Mischief in the third degree and the person:

- has multiple convictions Malicious Mischief in the third degree for the act of the writing, painting, or drawing on property; or
- has been convicted for Malicious Mischief in the third degree for the act of the writing, painting, or drawing on property (or a comparable municipal offense) before, and the current offense is a criminal street gang-related offense.

A gross misdemeanor is punishable by imprisonment in a county jail for a maximum of up to 364 days or by a fine no greater than \$5,000, or both. A class C felony is punishable by imprisonment in a state correctional institution for a maximum of five years, or by a fine no greater than \$10,000, or both. A class B felony is punishable by imprisonment in a state correctional institution for a maximum of 10 years or by a fine no greater than \$20,000, or both.

Summary of Bill:

The Washington State Department of Transportation (WSDOT) is required to establish a Graffiti Abatement and Reduction Program. Subject to funds appropriated, the WSDOT is directed to

determine whether there are anti-graffiti products and paints that can effectively be used on highway walls and other facility surfaces, and to report recommendations to appropriate committees of the Legislature by December 31, 2024.

The WSDOT is authorized to use WSDOT-owned cameras, except those in use for tolling and work safety zone enforcement, to identify individuals who damage property with graffiti. Pictures and video captured by these cameras may be used to take legal action against a person who damages WSDOT or other property with graffiti.

The WSDOT is directed to coordinate with the Washington State Patrol, the Washington State Parks and Recreation Commission, federal and local law enforcement officers, the Washington State Attorney General's Office, or local prosecuting attorney's offices, to pursue legal action against individuals who exhibit a pattern of damaging the WSDOT's and others' property with graffiti.

The WSDOT is required to report to the appropriate committees of the Legislature on the program, including the use of funding and the results of enforcement actions taken as a result of the program.

Appropriation: None.

Fiscal Note: Available.

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