

# HOUSE BILL REPORT

## HB 1989

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**As Reported by House Committee On:**  
Transportation

**Title:** An act relating to a graffiti abatement and reduction program.

**Brief Description:** Creating a graffiti abatement and reduction program.

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

**Brief History:**

**Committee Activity:**

Transportation: 1/15/24, 2/5/24 [DPS].

**Brief Summary of Substitute Bill**

- Requires the Washington State Department of Transportation (WSDOT) to establish a Graffiti Abatement and Reduction Pilot Program that includes field testing spray drone technology and testing of improvements to systems capable of identifying individuals who damage property with graffiti, subject to appropriations.
- Directs the WSDOT to report to the appropriate committees of the Legislature on the pilot program by December 1, 2024.

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### HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 27 members: Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry, Bronoske, Chapman, Cortes, Dent, Doglio, Duerr, Entenman, Goehner, Griffey, Hackney, Klicker, Mena, Nance, Ramel, Ramos, Schmidt, Volz and Wylie.

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*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.*

**Minority Report:** Without recommendation. Signed by 2 members: Representatives Orcutt and Walsh.

**Staff:** Jennifer Harris (786-7143).

**Background:**

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

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### **Summary of Substitute Bill:**

Subject to funds appropriated for this purpose, the Washington State Department of Transportation (WSDOT) is required to establish a Graffiti Abatement and Reduction Pilot Program that includes the following:

- field testing spray drone technology for the purpose of more efficiently painting over existing graffiti; and
- investigation and testing of improvements to systems capable of identifying individuals who damage property with graffiti.

The WSDOT is required to test these systems and additional graffiti prevention techniques prioritizing the Interstate 5 (I-5) Puget Sound region from Tacoma to Seattle and the North Spokane Corridor.

The WSDOT is directed to report to the appropriate committees of the Legislature on the pilot program, including on the use of funding, the results of actions used to identify people who damage property with graffiti, and on the field testing of spray drone technology. The report is due by December 1, 2024.

The pilot program expires July 1, 2025.

### **Substitute Bill Compared to Original Bill:**

The substitute bill modifies the Graffiti Abatement and Reduction Program to require field testing of spray drone technology to paint over existing graffiti, and the investigation and testing of improvements to systems capable of identifying individuals who damage property with graffiti. It also requires the WSDOT to test the technology and system improvements by prioritizing the I-5 Puget Sound region from Tacoma to Seattle and the North Spokane Corridor.

In addition, the substitute bill mandates that the WSDOT report to the appropriate committees of the Legislature on the pilot program, including on program funding and results of the program, by December 1, 2024, and expires the pilot program July 1, 2025.

**Appropriation:** None.

**Fiscal Note:** Available. New fiscal note requested on February 5, 2024.

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

**Staff Summary of Public Testimony:**

(In support) People are growing tired of seeing graffiti on state roadways. The bill requires the WSDOT to investigate what can be used to remove graffiti. There is an extensive network of cameras in the state. The bill also requires the cameras be used to identify those who use graffiti on roadways.

(Opposed) None.

(Other) While the intent of the bill is appreciated, the WSDOT has already completed extensive research on graffiti removal and has approaches in place for graffiti removal. Staff who use traffic cameras are already spread thin, and their primary focus is on the roadway and traffic. Even if staff observe graffiti being applied, the face of the person applying it is not always visible on camera.

**Persons Testifying:** (In support) Representative Andrew Barkis, prime sponsor.

(Other) Tony Leingang, Washington State Department of Transportation.

**Persons Signed In To Testify But Not Testifying:** None.