

HOUSE BILL REPORT

SSB 5917

As Passed House:
February 27, 2024

Title: An act relating to criminal penalties for bias-motivated defacement of private or public property.

Brief Description: Concerning criminal penalties for bias-motivated defacement of private or public property.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Billig, Dhingra, Pedersen, Trudeau, Hasegawa, Kuderer, Lias, Lovick, Mullet, Nguyen, Nobles, Salomon, Valdez and Wilson, C.).

Brief History:

Committee Activity:

Community Safety, Justice, & Reentry: 2/15/24, 2/20/24 [DP].

Floor Activity:

Passed House: 2/27/24, 68-27.

<p>Brief Summary of Substitute Bill</p> <ul style="list-style-type: none">• Modifies the elements of a Hate Crime.

HOUSE COMMITTEE ON COMMUNITY SAFETY, JUSTICE, & REENTRY

Majority Report: Do pass. Signed by 9 members: Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis, Farivar, Fosse, Graham and Ramos.

Staff: Lena Langer (786-7192).

Background:

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.

A person is guilty of a Hate Crime offense if the person maliciously and intentionally commits one of the following acts because of the person's perception of the victim's race, color, religion, ancestry, national origin, gender, sexual orientation, gender expression or identity, or mental, physical, or sensory disability:

- assaults the victim or another person;
- causes physical damage to or destruction of the property of the victim or another person; or
- threatens a specific person or group of persons and places that person, or members of the specific group of persons, in reasonable fear of harm to person or property.

The fear must be a fear a reasonable person would have under all the circumstances. "Reasonable person" is defined as a reasonable person who is a member of the victim's race, color, religion, ancestry, national origin, gender, or sexual orientation, or who has the same gender expression or identity, or the same mental, physical, or sensory disability as the victim.

Words alone do not constitute a Hate Crime offense unless the context or circumstances surrounding the words indicate the words are a threat. Threatening words do not constitute a Hate Crime offense if it is apparent to the victim the person does not have the ability to carry out the threat.

Hate Crime offenses are class C felonies ranked at seriousness level IV. Hate Crime offenses are classified as crimes against persons.

Summary of Bill:

The elements of a Hate Crime offense are modified so that a person is guilty of the offense if the person maliciously and intentionally commits one of the following acts because of the person's perception of another person's race, color, religion, ancestry, national origin, gender, sexual orientation, gender expression or identity, or mental, physical, or sensory disability:

- assaults another person;
- causes physical damage to or destruction of the property of another; or
- threatens a specific person or group of persons and places that person, or members of the specific group of persons, in reasonable fear of harm to person or property.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This legislation closes a loophole in the state's Hate Crime law. Under current law, if someone paints a swastika on a private business it is a Hate Crime, but if it is painted on a school, it is not a Hate Crime. The change in the bill is to make bias-motivated defacement of public property a Hate Crime. In Spokane, there was an incident of vandalism of a rainbow crosswalk. Everyone referred to the incident as a Hate Crime, but under current law it is not a Hate Crime. This bill is not just about Spokane; these types of incidents happen all over the state.

The bill makes a simple, but important, change to the law. These crimes cause fear, anger, and frustration in the community. The acts that this legislation addresses cause pain. It was shocking to learn that bias-motivated defacement of public property is not considered a Hate Crime under the law. This bill is critical and a top priority for the city of Spokane. Symbols of inclusion make people feel more comfortable and give people hope. Vandalism that defaces these symbols makes people feel unsafe and unwelcome in their communities. When public property is defaced in a way that is aimed towards a particular group it creates a tangible feeling of fear. The change in the bill sends a powerful message to all of Washington and affirms that the state is a rich tapestry of unique individuals.

(Opposed) None.

Persons Testifying: Senator Andy Billig, prime sponsor; Paul Dillon, City of Spokane; KJ January, Spectrum Center; and Matt Danielson, Spokane Pride.

Persons Signed In To Testify But Not Testifying: None.