

SENATE BILL REPORT

SB 5842

As of February 24, 1995

Title: An act relating to defacement of state monuments.

Brief Description: Penalizing defacement of a state monument.

Sponsors: Senators Franklin, Palmer, Hargrove, Smith, Winsley, C. Anderson, Roach and Bauer.

Brief History:

Committee Activity: Law & Justice: 2/27/95.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Cynthia Runger (786-7717)

Background: The state can prosecute a person for malicious mischief if that person knowingly and maliciously causes damage to the property of another. Penalties under malicious mischief range from a misdemeanor to class B felony, depending on the amount of property damage.

Malice is an element of the crime of malicious mischief. Malice is generally defined as the intentional commission of a wrongful act with an evil intent, without just cause. It is generally not a crime for a person to knowingly cause damage to the property of another without malice.

Under current law, there are few provisions that address willful damage to particular types of public property, such as school property. There are no provisions that specifically deal with intentional damage to state monuments and memorials. Nevertheless, the state can prosecute a person for malicious mischief if he or she knowingly and maliciously defaces a state monument or memorial.

Summary of Bill: A person who knowingly defaces a state monument or memorial is guilty of a misdemeanor. A person who causes damage to a state monument or memorial does not need to act maliciously.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.