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**SUBSTITUTE HOUSE BILL 1283**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** House Civil Rights & Judiciary (originally sponsored by Representatives Senn, Valdez, Ramel, Bateman, Fitzgibbon, Berry, Peterson, Hackney, Thai, Kloba, Macri, Pollet, Stonier, and Harris-Talley)

1 AN ACT Relating to including the open carry or display of weapons  
2 within the offense of criminal mischief; amending RCW 9A.84.010; and  
3 prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 9A.84.010 and 2013 c 20 s 1 are each amended to read  
6 as follows:

7 (1) A person is guilty of the crime of criminal mischief if,  
8 acting with three or more other persons, he or she (~~knowingly~~):

9 (a) Knowingly and unlawfully uses or threatens to use force, or  
10 in any way participates in the use of such force, against any other  
11 person or against property; or

12 (b) Openly carries, exhibits, displays, or draws any firearm,  
13 dagger, sword, knife or other cutting or stabbing instrument, club,  
14 or any other weapon apparently capable of producing bodily harm, in a  
15 manner, under circumstances, and at a time and place that either  
16 manifests an intent to intimidate another or that warrants alarm for  
17 the safety of other persons.

18 (2) If any person is convicted of a violation of subsection  
19 (1)(b) of this section, the person shall lose his or her concealed  
20 pistol license, if any. The court shall send notice of the revocation

1 to the department of licensing, and the city, town, or county which  
2 issued the license.

3 (3) Subsection (1)(b) of this section shall not apply to or  
4 affect the following:

5 (a) Any act committed by a person while in his or her place of  
6 abode or fixed place of business;

7 (b) Any person who by virtue of his or her office or public  
8 employment is vested by law with a duty to preserve public safety,  
9 maintain public order, or to make arrests for offenses, while in the  
10 performance of such duty;

11 (c) Any person acting for the purpose of protecting himself or  
12 herself against the use of presently threatened unlawful force by  
13 another, or for the purpose of protecting another against the use of  
14 such unlawful force by a third person;

15 (d) Any person making or assisting in making a lawful arrest for  
16 the commission of a felony; or

17 (e) Any person engaged in military activities sponsored by the  
18 federal or state governments.

19 ~~((2))~~ (4)(a) Except as provided in (b) of this subsection, the  
20 crime of criminal mischief is a gross misdemeanor.

21 (b) The crime of criminal mischief is a class C felony if the  
22 actor is armed with a deadly weapon.

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