

director of any religious denomination to which the parties may belong. Such aid, however, shall be at the expense of the parties involved and shall not be at the expense of the court or of the county unless the board of county commissioners shall specifically authorize such aid.

Passed the House April 2, 1971.

Passed the Senate May 8, 1971.

Approved by the Governor May 19, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 152

[Engrossed House Bill No. 697]

CRIMES--

PENALTIES FOR INJURY OR DESTRUCTION
OF PROPERTY

AN ACT Relating to crimes; amending section 415, chapter 249, Laws of 1909 and RCW 9.61.070; amending section 1, chapter 111, Laws of 1899 as last amended by section 404, chapter 249, Laws of 1909 and RCW 9.61.010; amending section 1, chapter 64, Laws of 1893 as last amended by section 405, chapter 249, Laws of 1909 and RCW 9.61.020; amending section 16, chapter 69, Laws of 1891 as amended by section 406, chapter 249, Laws of 1909 and RCW 9.61.030; amending section 1, page 30, Laws of 1862 as last amended by section 407, chapter 249, Laws of 1909 and RCW 9.61.040; amending section 408, chapter 249, Laws of 1909 and RCW 9.61.050; amending section 1, chapter 114, Laws of 1899 and RCW 9.61.090; and amending section 41, chapter 117, Laws of 1917 as amended by section 2, chapter 103, Laws of 1921 and RCW 90.03.410.

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

Section 1. Section 415, chapter 249, Laws of 1909 and RCW 9.61.070 are each amended to read as follows:

Every person who shall wilfully or maliciously destroy or injure any real or personal property of another, for the destruction or injury of which no special punishment is otherwise specially prescribed, shall--

(1) If the value of the property destroyed, or the diminution in value by the injury, shall be less than twenty dollars, be guilty of a misdemeanor.

(2) If the value of the property destroyed, or the diminution in value by the injury, shall be twenty dollars or more but less than two hundred fifty dollars, be guilty of a gross misdemeanor.

(3) If the value of the property destroyed, or the diminution in value by the injury, shall be two hundred fifty dollars or more, be guilty of a felony.

Sec. 2. Section 1, chapter 111, Laws of 1899 as last amended by section 404, chapter 249, Laws of 1909 and RCW 9.61.010 are each amended to read as follows:

Every person who shall wilfully or maliciously remove, damage or destroy:

(1) A highway or a private way laid out by authority of law, or a bridge upon such public or private road, or wilfully or maliciously cause to be placed thereon any substance or thing dangerous to any person or animal traveling thereon or which might injure or puncture the tire of any vehicle; or,

(2) A pile or other material fixed in the ground and used for securing any bank or dam of any river or other water, or any dike, dock, quay, jetty or lock; or,

(3) A buoy or beacon lawfully placed in any waters within this state; or,

(4) A tree, rock, post or other monument erected or marked for the purpose of designating a point on the boundary of the state, of a county, city, town or of a farm, tract or lot of land, or any mark or inscription thereon; or,

(5) A mile board, milestone or guidepost erected upon a highway, or any inscription thereon; or,

(6) A telegraph, telephone or electric transmission line or any part thereof, or any appurtenance thereto, or apparatus connected with the operation thereof; or,

(7) A fence, gate, cattle guard, bridge, water tank, milepost, car, engine, motor or other useful structure on the line of any railway; or,

(8) A pipe or main for conducting gas, water or oil, or any works erected for the purpose of supplying buildings therewith, or any appurtenance or appendage thereto; or,

(9) A sewer or drain, or a pipe or main connected therewith or forming a part thereof; or,

(10) A ditch or flume lawfully erected for carrying water or draining land; or,

(11) Any engine, hose, hose-cart, truck, ladder, extinguisher or other apparatus used by any fire company or fire department, or any rope, wire, bell, signal, instrument or apparatus for the communication of alarms of fire or police calls; or,

(12) Any public building, or building used for educational, scientific, charitable or religious purpose, or any useful or ornamental thing therein; or,

(13) Any work of literature or art or copy thereof, object of

curiosity or scientific interest, statue, picture or engraving, displayed, kept or erected in any public building, street, park or other public place or in any collection, exhibition, museum, fair, gallery or library, or in any building devoted to educational, scientific, charitable or religious purposes; or,

(14) A monument erected in any cemetery, street, park or other public place; or,

(15) A sign or notice erected or posted by any officer under lawful authority, or by the owner or occupant of the premises where posted; or,

(16) A legal notice or other legal paper posted in compliance with the requirement of any statute of this state, or under the direction or order of a court; and,

Every person--

(17) Who shall moor any vessel, scow, barge, raft or boom to any bridge or to any buoy or beacon lawfully in any waters within this state; or,

(18) Who shall intercept, read or in any manner interrupt or delay the sending of a message over any telegraph or telephone line; or,

(19) Who shall erect or maintain any unlawful structure in any stream or river;

Shall be guilty of a misdemeanor or, if there is actual physical injury to or destruction of any real or personal property, of property destruction and shall incur the penalties set forth in section 1 of this 1971 amendatory act.

Sec. 3. Section 1, chapter 64, Laws of 1893 as last amended by section 405, chapter 249, Laws of 1909 and RCW 9.61.020 are each amended to read as follows:

Every person who, with intent to injure or defraud, shall--

(1) Break or deface the seal of any gas, electric, steam or water meter; or,

(2) Obstruct, alter, injure or prevent the action of any meter or other instrument used to measure or register the quantity of gas, electricity, steam or water supplied to a consumer thereof; or,

(3) Make any connections by means of a wire, pipe, conduit or otherwise with any wire, main or pipe used for the delivery of gas, electricity, steam or water to a consumer thereof, in such manner as to take gas, electricity, steam or water from said wire, main or pipe without its passage through the meter or other instrument provided for registering the amount or quantity consumed; or use any gas, electricity, steam or water so obtained; or,

(4) Make any connection or reconnection with such wire, main or pipe, or turn on or off, or in any manner interfere with any valve, stop-cock or other appliances connected therewith; or,

(5) Prevent by the erection of any device or construction, or by any other means, free access to any meter or other instrument for registering or measuring the amount of gas, electricity, steam or water consumed, or interfere with, obstruct or prevent, by any means, the reading or inspection of such meter or instrument, by the person, company or corporation owning the same; or,

(6) Take or use any water from any irrigation flume, ditch or lateral, without the consent of the owner thereof, or open, close or interfere with any gate connected therewith;

Shall be guilty of a misdemeanor or, if there is actual physical injury to or destruction of any real or personal property, of property destruction and shall incur the penalties set forth in section 1 of this 1971 amendatory act.

Sec. 4. Section 16, chapter 69, Laws of 1891 as amended by section 406, chapter 249, Laws of 1909 and RCW 9.61.030 are each amended to read as follows:

Every person who shall wilfully or maliciously displace, remove, injure or destroy any pier, boom, or dam lawfully erected or maintained upon, in or across any water in this state, or any dam or reservoir lawfully maintained for impounding water; or hoist any gate in or about such dam or reservoir, shall be guilty of a ((gross)) misdemeanor or, if there is actual physical injury to or destruction of any real or personal property, of property destruction and shall incur the penalties set forth in section 1 of this 1971 amendatory act.

Sec. 5. Section 1, page 30, Laws of 1862 as last amended by section 407, chapter 249, Laws of 1909 and RCW 9.61.040 are each amended to read as follows:

Every person who shall wilfully--

(1) Cut down, destroy or injure any wood, timber, grain, grass or crop, standing or growing, or which has been cut down and is lying upon the lands of another, or of the state; or,

(2) Cut down, girdle or otherwise injure a fruit, shade or ornamental tree standing on the land of another or of the state, or in any road or street; or,

(3) Dig, take or carry away without lawful authority or consent, from any lot or land in any city, or town, or from any lands included within the limits of a street or avenue in such city or town, any earth, soil or stone; or,

(4) Enter without the consent of the owner or occupant, any orchard, garden or vineyard, with intent to take, injure or destroy anything there grown or growing; or,

(5) Cut down, destroy or in any way injure any shrub, tree, vine or garden produce grown or growing within any such orchard, garden or vineyard, or any framework or erection therein; or,

(6) Damage or deface any building or part thereof, or throw any stone or other missile at any building or part thereof; or,

(7) Destroy or damage, with intent to prevent or delay the use thereof, any engine, machine, tool or implement intended for use in trade or husbandry; or,

(8) Untie, unfasten or liberate, without authority, the horse or team of another; or lead, ride or drive away, without authority, the horse, team, automobile or other vehicle of another from the place where left by the owner or person in charge thereof; or,

(9) Kill, maim or disfigure any animal belonging to another, or expose any poisons or noxious substance with intent that it should be taken by such animal; or,

(10) Take, carry away, interfere with or disturb any oysters or other shellfish of another in any river, bay, or other water of this state, or remove, pull up or destroy any stake or buoy used for designating any oyster bed; or,

(11) Intrude or place any hovel, shanty or building upon or within the limits of any lot or piece of land within any city or town, without the consent of the owner, or within the boundaries of any street in such city or town; or,

(12) Kill, wound or trap any animal or bird within the limits of any cemetery, park or pleasure ground, or remove therefrom or destroy the young of any such animal or the egg of any such bird; or,

(13) Injure, destroy or tamper with any rope, line, cable or chain with which any vessel, scow, boom, beacon or buoy shall be anchored or moored, or the steering gear, bell gear, engine, machinery, lights or other equipment of any vessel; or,

(14) Place upon or affix to any real property or any rock, tree, wall, fence or other structure thereupon, without the consent of the owner thereof, any word, character or device designed to advertise any article, business, profession, exhibition, matter or event; or,

(15) Suffer any animal to go upon the enclosed right-of-way of any railway company, or leave open any gate or bars so that an animal might stray upon such right-of-way;

Shall be guilty of a misdemeanor or, if there is actual physical injury to or destruction of any real or personal property, of property destruction and shall incur the penalties set forth in section 1 of this 1971 amendatory act.

Sec. 6. Section 408, chapter 249, Laws of 1909 and RCW 9.61.050 are each amended to read as follows:

Every person who shall wilfully or maliciously destroy, alter, erase, obliterate or conceal any letter, telegraph message, book or record of account, or any writing or instrument by which any claim, privilege, right, obligation or authority, or any right or title to

property, real or personal, is, or purports to be, or upon the happening of some future event may be, evidenced, created, acknowledged, transferred, increased, diminished, encumbered, defeated, discharged or affected, shall be guilty of a gross misdemeanor.

Sec. 7. Section 1, chapter 114, Laws of 1899 and RCW 9.61.090 are each amended to read as follows:

If any person shall maliciously or wantonly destroy or deface any cabin or other building or place of shelter or any of the contents of such cabin, building or shelter constructed by any person or persons or society of persons upon any public land of the state of Washington, or of the United States within the state of Washington, or upon any land not owned by such person so destroying or defacing the same, he shall be deemed guilty of ~~((a misdemeanor: PROVIDED That the provisions of RCW 9-61-090 through 9-61-110 shall not apply to bona fide settlers on government lands))~~ property destruction and shall incur the penalties set forth in section 1 of this 1971 amendatory act.

Sec. 8. Section 41, chapter 117, Laws of 1917 as amended by section 2, chapter 103, Laws of 1921 and RCW 90.03.410 are each amended to read as follows:

(1) Any person or persons who shall wilfully interfere with, or injure or destroy any dam, dike, headgate, weir, canal or reservoir, flume or other structure or appliance for the diversion, carriage, storage, apportionment or measurement of water for irrigation, reclamation, power or other beneficial uses, or who shall wilfully use or conduct water into or through his ditch, which has been lawfully denied him by the water master or other competent authority, or shall wilfully injure or destroy any telegraph, telephone or electric transmission line, or any other property owned, occupied or controlled by any person, association, or corporation, or by the United States and used in connection with said beneficial use of water, shall be guilty of a misdemeanor or, if there is actual physical injury to or destruction of any real or personal property, of property destruction and shall incur the penalties set forth in section 1 of this 1971 amendatory act.

(2) Any person or persons who shall wilfully or unlawfully take or use water, or conduct the same into his ditch or to his land, or land occupied by him, and for such purpose shall cut, dig, break down or open any headgate, bank, embankment, canal or reservoir, flume or conduit, or interfere with, injure or destroy any weir, measuring box or other appliance for the apportionment and measurement of water, or unlawfully take or cause to run or pour out of such structure or appliance any water, shall be guilty of a misdemeanor or, if there is actual physical injury to or destruction

of any real or personal property, of property destruction and shall incur the penalties set forth in section 1 of this 1971 amendatory act.

(3) The use of water through such structure or structures, appliance or appliances hereinbefore named after its or their having been interfered with, injured or destroyed, shall be prima facie evidence of the guilt of the person using it.

Passed the House May 9, 1971.

Passed the Senate May 8, 1971.

Approved by the Governor May 19, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 153

[Engrossed House Bill No. 766]

FIRE PROTECTION DISTRICTS--

ABSENT FIRE COMMISSIONERS

AN ACT Relating to fire protection districts; and amending section 26, chapter 34, Laws of 1939 and RCW 52.12.050.

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

Section 1. Section 26, chapter 34, Laws of 1939 and RCW 52.12.050 are each amended to read as follows:

In case of vacancy occurring in the office of fire commissioner, such vacancy shall be filled by appointment of a resident elector of the district by the board of county commissioners and the person appointed shall serve until his successor has been elected or appointed and has qualified. At the next general election, if there is sufficient time for the nomination of candidates for office of fire commissioner as hereir provided, after the filling of any vacancy in such office as aforesaid, there shall be elected a fire commissioner to serve for the remainder of the unexpired term. If a fire commissioner is absent from the district for three consecutive regularly scheduled meetings unless by permission of the board his office shall be declared vacant by the board of county commissioners and such vacancy shall be filled as provided for in this section but provided that no such action shall be taken unless he is notified by mail after two consecutive unexcused absences that his position will be declared vacant if he is absent without being excused from the next regularly scheduled meeting.