
Criminal Justice & Corrections Committee

ESSB 6490

Brief Description: Increasing penalties for taking a motor vehicle without permission.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Roach, Kline, Rasmussen, Keiser, Regala, Benton, Honeyford, Oke, Hale, McDonald, Johnson, McCaslin, Kastama, Sheahan and Stevens).

<p style="text-align: center;">Brief Summary of Engrossed Substitute Bill</p> <ul style="list-style-type: none">· Divides the crime of taking a motor vehicle without permission into two degrees.

Hearing Date: 2/27/02

Staff: Yvonne Walker (786-7841).

Background:

The penalties for theft violations are generally based on the value of the property stolen.

Theft in the first degree occurs when a person commits theft of property or services valued in excess of \$1,500. Theft in the first degree is a seriousness level II, class B felony. A class B felony carries a maximum sentence of 10 years of incarceration, a fine of \$20,000, or both.

Theft in the second degree occurs when a person commits theft of property or services valued in excess of \$250, but not exceeding \$1,500. Theft in the second degree is a seriousness level I, class C felony. A class C felony carries a maximum sentence of five years of incarceration, a fine of \$10,000, or both.

Theft in the third degree occurs when a person commits theft of property or services valued less than \$250. Theft in the third degree is a gross misdemeanor. A gross misdemeanor carries a maximum sentence of one year in jail, a fine of \$5,000, or both.

Generally, an offense involving the theft of a motor vehicle is penalized based upon the value of the vehicle that was stolen.

Intentionally taking a motor vehicle without permission, or voluntarily riding in a vehicle knowing it was taken without permission, is a class C felony, which carries a maximum term of five years, or a fine of up to \$10,000, or both. It is ranked as a seriousness level I crime under the Sentencing Reform Act which, for a first time offender has a standard sentence range of zero-60 days.

Juveniles who commit criminal offenses are also sentenced under a determinate sentencing model, which for an offense committed on or after July 1, 1998, is based on the seriousness of the offense and the number of prior adjudications. Taking a motor vehicle without permission is ranked as an offense category C crime which, for a first-time offender involves local sanctions. Local sanctions can include any combination of the following: zero-30 days confinement; zero-12 months community supervision; zero-150 hours community service; and a fine of \$0 to \$500.

Summary of Bill:

The crime of taking a motor vehicle without permission is divided into two degrees. The current elements of the crime - intentionally taking the vehicle without permission or voluntarily riding in it knowing it was taken without permission - becomes a second degree taking a motor vehicle without permission offense. Taking a motor vehicle without permission in the second degree is a seriousness level I, class C felony offense.

Taking a motor vehicle without permission in the first degree is created and is committed if a person intentionally takes a motor vehicle without permission and he or she:

- 1) Alters the vehicle to change its appearance or identification numbers;
- 2) Removes parts from the vehicle with the intent to sell the parts;
- 3) Exports or attempts to export the vehicle out-of-state or out of the country for profit;
- 4) Intends to sell the vehicle; or
- 5) Is engaged in a conspiracy the object of which is the theft of motor vehicles for sale to others for profit.

Taking a motor vehicle without permission in the first degree is a seriousness level V, class B felony.

It is a C offense for any juvenile adjudicated of taking a motor vehicle in the first or second degree. The sentence for a first time offender in either case is a local sanction.

Appropriation: None.

Fiscal Note: Not Requested.

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