

SENATE BILL REPORT

SHB 2323

AS OF FEBRUARY 25, 1992

Brief Description: Redefining some property crimes.

SPONSORS: House Committee on Judiciary (originally sponsored by Representatives Ludwig, Wineberry, Locke and Riley)

HOUSE COMMITTEE ON JUDICIARY

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Jack Brummel (786-7428)

Hearing Dates: February 26, 1992

BACKGROUND:

The seriousness of crimes of theft and crimes related to theft are determined by the stolen item's value. The greater the value, the greater degree of crime and thus likely punishment. "Value" means the fair market value of the property or services at the time of the theft.

Property or services whose values are not readily ascertainable under standards determining value for items such as property, services, commercial property, tickets, or other legal instruments that create or discharge a legal debt or obligation are considered to have a value of \$250 or less.

The monetary values for determining the seriousness of the crimes have not changed since 1975 when the crimes were first enacted in the Washington Criminal Code of 1975.

The superior court has continuing jurisdiction over a felony offender for 10 years subsequent to imposition of the defendant's sentence for purposes of collecting restitution, regardless of the length of the sentence, supervision, or the statutory maximum. The 10-year rule applies even if a case originally charged as a felony in superior court is reduced to a gross misdemeanor. In contrast, the municipal and district courts only have continuing jurisdiction for two years.

SUMMARY:

The monetary values for determining the seriousness and degrees of crimes for theft and crimes related to theft are increased. The increases are as follows:

Theft:

- First degree: value exceeds \$2,500
- Second degree: value exceeds \$500 but is \$2,500 or less
- Third degree: value is \$500 or less

Second-degree theft values for stolen cars and firearms are less than \$2,500.

Unlawful issuance of bank checks determined by the aggregate value of the checks issued unlawfully:

- Class C felony: value exceeds \$500
- Gross Misdemeanor: value is \$500 or less

Possession of stolen property:

- First degree: value exceeds \$2,500
- Second degree: value exceeds \$500 but is \$2,500 or less
value of stolen car is less than \$2,500
- Third degree: value is \$500 or less

Property or services whose value cannot be ascertained under the standards to determine the value of property, services, commercial paper, tickets, or other instruments that create or discharge a debt or obligation, are considered to have a value of \$500 or less.

The definition of "value" is changed. The value of stolen property is as follows: If the property stolen was less than five years old, the value is the cost to replace the item with a new item of similar quality at retail cost. If the property is more than five years old, the value is the item's fair market value. A stolen motor vehicle's value is the fair market value regardless of the vehicle's age.

The municipal, district, and superior courts will have continuing jurisdiction over the defendant for the purposes of collecting restitution for ten years subsequent to the imposition of the sentence. The Department of Corrections or the county or city probation department that has jurisdiction over the offender is responsible for monitoring payment of restitution.

The act will apply to crimes committed on or after the effective date of the act.

Appropriation: none

Revenue: none

Fiscal Note: available