

# FINAL BILL REPORT

## HB 1133

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C 9 L 94  
Synopsis as Enacted

**Brief Description:** Allowing the assignment of claims for unlawful conversion of goods and unlawful leaving without paying.

By Representatives Kremen, Ballasiotes, Ludwig, Long, Riley, H. Myers, Zellinsky, Schmidt, Padden, Fuhrman and Johanson.

House Committee on Judiciary  
Senate Committee on Law & Justice

**Background:** Criminal and civil penalties may be imposed for shoplifting and related thefts of property or services.

Depending on the nature and value of the property stolen, the crime of theft ranges from a gross misdemeanor to a class B felony.

Special civil penalties apply to shoplifting and theft of restaurant or lodging services. In addition to actual damages, which include the value of services or property taken, certain penalties and costs may be recovered by a merchant from the person taking the goods or services. If the defendant is an adult or emancipated minor, those additional penalties and costs include:

- (1) the retail value of the goods or services, to a maximum of \$1,000;
- (2) a penalty of at least \$100 but not more than \$200; and
- (3) reasonable attorney's fees and court costs.

Vicarious liability is also imposed on the parent of an unemancipated minor who steals such goods or services. However, in the case of parental liability, the additional "retail value" penalty maximum of \$1,000 is reduced to \$500.

Pursuit of these civil remedies by a merchant is independent of whether criminal charges are filed or prosecuted.

If a merchant gets a civil judgment under these provisions, that judgment may be assigned to another party for collection. Collection of the judgment debt may be

accomplished through a debt collection agency. However, a claim that has not been reduced to a judgment cannot be assigned.

**Summary:** Claims, as well as judgments, may be assigned by a merchant who has suffered the theft of goods or services.

**Votes on Final Passage:**

House	94	0
Senate	49	0

**Effective:** June 9, 1994