

SENATE BILL REPORT

HB 1133

AS PASSED SENATE, MARCH 1, 1994

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

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

HOUSE COMMITTEE ON JUDICIARY

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators A. Smith, Chairman; Ludwig, Vice Chairman; Nelson, Quigley, Roach and Schow.

Staff: Dick Armstrong (786-7460)

Hearing Dates: March 18, 1993; February 16, 1994

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 may not be assigned.

SUMMARY:

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

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

There is no good reason to prohibit the assignment of claims. It is unavailable in other types of cases, such as bad checks. It makes economic sense for some companies, especially small ones, to use collection agencies.

TESTIMONY AGAINST: None

TESTIFIED: Larry Mount, Jeff Carlson, WA Retail Association (pro)