

HOUSE BILL REPORT

HB 1389

As Reported By House Committee On:

Criminal Justice & Corrections

Title: An act relating to the penalty for third degree theft.

Brief Description: Increasing penalties for repetitive third degree theft.

Sponsors: Representatives Chandler, Appelwick, Sheahan, Sterk, Linville, Sump, Hickel, Delvin, Blalock, O'Brien, Mulliken, Costa, Thompson, Mielke, Dunn and D. Schmidt.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/4/97, 2/12/97 [DPS].

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Ballasiotes, Chairman; Benson, Vice Chairman; Koster, Vice Chairman; Quall, Ranking Minority Member; O'Brien, Assistant Ranking Minority Member; Blalock; Delvin; Dickerson; Hickel and Sullivan.

Minority Report: Without recommendation. Signed by 3 members: Representatives Cairnes; Mitchell and Robertson.

Staff: Pat Shelledy (786-7149).

Background: A person is guilty of theft in the third degree if the person steals property or services that do not exceed \$250 in value.

Theft in the third degree is a gross misdemeanor. A gross misdemeanor carries a maximum penalty of one year in jail, a \$5,000 fine, or both.

A judge has discretion to sentence an adult offender to any period of confinement within the year sentencing period.

County governments pay the cost of incarcerating offenders sentenced to jail supplemented by state criminal justice funding and state authorized taxing authority.

Summary of Substitute Bill: A court must impose a minimum sentence of 60 days in jail if an offender is convicted of theft in the third degree three or more times within five years.

Substitute Bill Compared to Original Bill: Technical. The mandatory penalty will apply to third or subsequent offenses.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: There are chronic thieves who are sophisticated and work the system. They know just how much to steal to avoid felony charges and jail time. Theft costs the public thousands of dollars per year. Mandatory minimum penalties will help deter crime because thieves will start serving time.

Testimony Against: None.

Testified: Representative Gary Chandler, prime sponsor (pro); and Sheriff Bill Wiester, Washington State Sheriff's Association (pro).