

FINAL BILL REPORT

SHB 2059

C 346 L 97

Synopsis as Enacted

Brief Description: Prohibiting theft of rental property.

Sponsors: By House Committee on Criminal Justice & Corrections (originally sponsored by Representatives D. Schmidt, Grant, Thompson and Sheldon).

House Committee on Criminal Justice & Corrections
Senate Committee on Law & Justice

Background: A conviction of stealing property valued at over \$1,500 is theft in the first degree or a class B felony; valued at between \$250 and \$1,500 is theft in the second degree or a class C felony; and valued at less than \$250 is theft in the third degree or a gross misdemeanor.

Expiration of a lease or rental contract. A person who fails to return rented or leased property within 10 days after receiving a written notice, sent by certified or registered mail, of the expiration of the lease or rental agreement is guilty of a gross misdemeanor. The written notice from the lessor must include a warning that failure to promptly return the leased property within 10 days may result in a criminal prosecution.

The term "lease" under these provisions also includes rental agreements.

Failure to pay leased or rental payments. A person is guilty of a class C felony if: the person fails to return rented or leased property valued at over \$1,500 within five days after receiving a written notice, sent by certified or registered mail, from the lessor; or the person has signed an agreement to rent or lease for a period of six months or more and fails to pay the lessor the periodic payments when due for a period of 90 days.

Summary: A person who, with intent to deprive the owner or owner's agent, wrongfully obtains, or exerts unauthorized control over, or by color or aid of deception gains control of personal property that is rented or leased to the person, commits the crime of theft of rental, leased, or lease-purchased property.

The classification of the crime is based upon the replacement value of the item involved in the theft. The crime is: a class B felony if the property is valued at

\$1,500 or more; a class C felony if the property is valued at \$250 or more but less than \$1,500; a gross misdemeanor if the property is valued at less than \$250.

The rental or leasing of real property under the Residential Landlord-Tenant Act is specifically excluded from the act's application.

The existing law relating to failing to return leased or rented property and criminal possession of leased or rented property is repealed.

Votes on Final Passage:

House 96 0

Senate 42 0 (Senate amended)

House 94 0 (House concurred)

Effective: July 27, 1997