

HOUSE BILL ANALYSIS

SSB 5769

Title: An act relating to theft of property.

Brief Description: Concerning the theft of beverage crates and merchandise pallets.

Sponsors: Senators Johnson and Goings.

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

Staff: Yvonne Walker (786-7841)

Background: Businesses who use merchandise pallets and/or beverage crates in their normal course of operation suffer nearly \$1 million in losses each year due to the misappropriation of the pallets and crates. It is estimated that in each shipment where these items are used, one quarter of the merchandise pallets and/or beverage crates are not returned to the owner.

A vibrant secondary market exists for the purchase and resale of these misappropriated items.

Prosecution of persons found in possession of the misappropriated merchandise pallets and/or beverage crates has historically been unsuccessful because it has been difficult to prove ownership of the pallets and/or crates.

Summary: The definitions of "merchandise pallet" and "beverage crate" are added to the definitions section which precedes the theft statutes and the possessing stolen property statutes.

Theft of 10 or more merchandise pallets, 10 or more beverage crates or a combination of ten or more merchandise pallets and beverage crates is theft in the second degree, a class C felony.

Possessing 10 or more stolen merchandise pallets, 10 or more stolen beverage crates, or a combination of 10 or more stolen merchandise pallets and stolen beverage crates is possessing stolen property in the second degree, a class C felony.

A person found in possession of 10 or more stolen merchandise pallets, 10 or more stolen beverage crates, or a combination of 10 or more stolen merchandise pallets and stolen beverage crates is presumed to know that the property is stolen. This presumption is rebuttable by evidence raising a reasonable inference that the possession was without knowledge that the property was stolen.

Fiscal Note: Received on March 25, 1997.

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