

# SENATE BILL REPORT

## SHB 2059

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As Reported By Senate Committee On:  
Law & Justice, April 1, 1997

**Title:** An act relating to theft of rental property.

**Brief Description:** Prohibiting theft of rental and leased property.

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

**Brief History:**

**Committee Activity:** Law & Justice: 3/26/97, 4/1/97 [DPA].

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** Do pass as amended.

Signed by Senators Roach, Chair; Johnson, Vice Chair; Hargrove, Long, Stevens and Zarelli.

**Staff:** Mychal Schwartz (786-7444)

**Background:** There are two crimes which deal specifically with rented and leased property: Failure to return leased (or rented) property, which is a gross misdemeanor, and criminal possession of leased (or rented) property which is a class C felony.

It has been suggested that these laws, which were designed to protect rental and lease businesses, are ineffectual in preventing substantial losses to the businesses. The statutory requirements with which the businesses are required to comply are confusing and create a burden which is usually impossible for the businesses to satisfy. As a result, individuals who abscond with rented and/or leased property oftentimes escape penalty and the owner of the property is left with no recourse.

**Summary of Amended Bill:** 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 application of this bill.

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law relating to failing to return leased (or rented) property and criminal possession of leased (or rented) property is repealed.

**Amended Bill Compared to Substitute Bill:** The striking amendment removes the artificial legal distinction between rented and leased property which the original bill had created. The elements of the offense are made clearer by using terms from the criminal code's section dealing with theft. The current law is replaced by this new crime. Technical corrections are made.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** Current law is outdated, ineffective, and full of legal loopholes. Despite enormous losses to the industry, prosecutors are unable to press forward with prosecutions because of problems with the current law.

**Testimony Against:** None.

**Testified:** Roger Odegard, Legislative Chairman, American Rental Association of Washington; Marty Dennison, American Rental Association of Washington; Gina Forte.