

SENATE BILL REPORT

ESSB 5033

As Passed Senate, March 7, 1997

Title: An act relating to possession of stolen checks or drafts.

Brief Description: Concerning the crime of possessing stolen property in the second degree.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senator Roach).

Brief History:

Committee Activity: Law & Justice: 1/21/97, 1/27/97 [DPS].
Passed Senate, 3/7/97, 38-10.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5033 be substituted therefor, and the substitute bill do pass.

Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Goings, Haugen, Kline, Long, McCaslin, Stevens and Zarelli.

Staff: Aldo Melchiori (786-7439)

Background: The use of stolen checks has surpassed the use of stolen credit cards and access devices as a method for committing fraudulent transactions. The Washington State Economic Crimes Task Force has suggested this legislation to include the possession of stolen checks or drafts in the definition of possessing stolen property in the second degree. Currently, possession of stolen credit cards or access devices issued in the names of two or more persons creates a rebuttable presumption that the possessor had knowledge that the items were stolen.

Theft of checks or drafts currently is theft in the third degree and is a gross misdemeanor.

Possession of stolen checks or drafts currently is possessing stolen property in the third degree and is a gross misdemeanor.

Summary of Bill: Theft of checks or drafts is a level 1, class C felony. The possession of stolen checks or drafts is possessing stolen property in the second degree, a level 1, class C felony. The possession of stolen checks or drafts issued in the accounts of two or more persons creates a rebuttable presumption that the possessor knows that they are stolen.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: Every law enforcement agency in the state (federal, state, county and municipal) supports the bill. State financial institutions, businesses, and citizens are losing millions of dollars as a result of check fraud. Citizens need protection.

Testimony Against: None.

Testified: PRO: King County Police Det. D. J. Nesel, WA State Economic Crimes Task Force; Gary Gardner, Boeing Employees Credit Union, Washington State Credit Union.