

SENATE BILL REPORT

SB 5033

As Reported By Senate Committee On:
Law & Justice, January 27, 1997

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

Brief Description: Providing a rebuttable presumption that the possessor of stolen access devices, checks, or drafts has knowledge that they are stolen.

Sponsors: Senator Roach.

Brief History:

Committee Activity: Law & Justice: 1/21/97, 1/27/97 [DPS].

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: Mychal Schwartz (786-7444)

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.

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

Summary of Substitute Bill: The mere possession of stolen checks or drafts is possessing stolen property in the second degree. 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. Possession of stolen checks or drafts is a class C felony. An emergency is declared.

Substitute Bill Compared to Original Bill: The substitute clarifies when the presumption would apply by separating the paragraph dealing with access devices from the paragraph dealing with checks and drafts. In the paragraph dealing with checks and drafts, the presumption is applied to a person with two or more checks with different account numbers.– An emergency clause is added to the substitute bill.

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.