

# FINAL BILL REPORT

## ESSB 5769

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C 236 L 98

Synopsis as Enacted

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

**Sponsors:** Senate Committee on Law & Justice (originally sponsored by Senators Johnson and Goings).

**Senate Committee on Law & Justice**

**House Committee on Criminal Justice & Corrections**

**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 ten or more merchandise pallets, ten or more beverage crates or a combination of ten or more merchandise pallets and beverage crates is theft in the third degree, a gross misdemeanor.

Possessing ten or more stolen merchandise pallets, ten or more stolen beverage crates or a combination of ten or more stolen merchandise pallets and stolen beverage crates is possessing stolen property in the third degree, a gross misdemeanor.

A person found in possession of ten or more stolen merchandise pallets, ten or more stolen beverage crates or a combination of ten 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.

**Votes on Final Passage:**

Senate	30	16	
House	96	0	(House amended)
Senate	32	16	(Senate concurred)

**Effective:** June 11, 1998