
SENATE BILL 5769

State of Washington 55th Legislature 1997 Regular Session

By Senators Johnson and Goings

Read first time 02/12/97. Referred to Committee on Law & Justice.

1 AN ACT Relating to theft of property; amending RCW 9A.56.160 and
2 9A.56.140; adding a new section to chapter 9A.56 RCW; and prescribing
3 penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 9A.56 RCW
6 to read as follows:

7 (1) The definitions in this subsection apply throughout this
8 section unless the context clearly requires otherwise.

9 (a) "Merchandise pallet" means a wood or plastic carrier designed
10 and manufactured as an item on which products can be placed prior to or
11 during transport to retail outlets, manufacturers, or contractors, and
12 affixed with language stating "property of . . .," "owned by . . .," or
13 other similar language showing ownership.

14 (b) "Beverage crate" means a plastic or metal box-like container
15 used by a manufacturer or distributor in the transportation or
16 distribution of individually packaged beverages to retail outlets, and
17 affixed with language stating "property of," "owned by
18," or other such similar language showing ownership.

1 (2) A person is guilty of theft of a merchandise pallet or a
2 beverage crate if he or she commits a theft of any merchandise pallet
3 or beverage crate.

4 (3) The definition of "theft" and the defense allowed against the
5 prosecution for theft under RCW 9A.56.020 apply to the crime of theft
6 of a merchandise pallet or beverage crate.

7 (4) It is a complete defense to the charge of theft of a
8 merchandise pallet or beverage crate if a person can show title to the
9 merchandise pallet or beverage crate.

10 (5) Theft of a merchandise pallet or beverage crate is a
11 misdemeanor.

12 **Sec. 2.** RCW 9A.56.160 and 1995 c 129 s 15 (Initiative Measure No.
13 159) are each amended to read as follows:

14 (1) A person is guilty of possessing stolen property in the second
15 degree if:

16 (a) He or she possesses stolen property other than a firearm as
17 defined in RCW 9.41.010 which exceeds two hundred fifty dollars in
18 value but does not exceed one thousand five hundred dollars in value;
19 or

20 (b) He or she possesses a stolen public record, writing or
21 instrument kept, filed, or deposited according to law; or

22 (c) He or she possesses a stolen access device; or

23 (d) He or she possesses more than ten merchandise pallets, or
24 beverage crates, or both, as defined in section 1 of this act; or

25 (e) He or she possesses a stolen motor vehicle of a value less than
26 one thousand five hundred dollars.

27 (2) Possessing stolen property in the second degree is a class C
28 felony.

29 **Sec. 3.** RCW 9A.56.140 and 1987 c 140 s 3 are each amended to read
30 as follows:

31 (1) "Possessing stolen property" means knowingly to receive,
32 retain, possess, conceal, or dispose of stolen property knowing that it
33 has been stolen and to withhold or appropriate the same to the use of
34 any person other than the true owner or person entitled thereto.

35 (2) The fact that the person who stole the property has not been
36 convicted, apprehended, or identified is not a defense to a charge of
37 possessing stolen property.

1 (3) When a person (~~((not an issuer or agent thereof))~~) has in his or
2 her possession, or under his or her control, stolen access devices
3 issued in the names of two or more persons, or more than ten
4 merchandise pallets, or beverage crates, or both, as defined in section
5 1 of this act, he (~~((shall be))~~) or she is presumed to know that they are
6 stolen.

7 (~~(This)~~) (4) The presumption (~~((may be rebutted))~~) in subsection (3)
8 of this section is rebuttable by evidence raising a reasonable
9 inference that the possession of such stolen access devices,
10 merchandise pallets, or beverage crates was without knowledge that they
11 were stolen.

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