

HOUSE BILL REPORT

EHB 1085

As Passed House:

February 26, 1999

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

Brief Description: Penalizing possession of stolen checks.

Sponsors: Representatives Dunn, Conway, Lambert and Esser.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 1/26/99, 2/3/99 [DP].

Floor Activity:

Passed House: 2/26/99, 96-0.

Brief Summary of Bill

- Makes the penalty for "possession" of stolen checks or drafts a class C felony.
- Makes the penalty for "theft" of stolen checks or drafts a class C felony.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 7 members: Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; Chandler; Kagi and Koster.

Minority Report: Without recommendation. Signed by 1 member: Representative Constantine.

Staff: Yvonne Walker (786-7841).

Background:

"Possession" of stolen access devices issued in the names of two or more persons creates a presumption that the possessor had knowledge that the items were stolen. The

possession or theft of stolen access devices is theft in the second degree and is a class C felony.

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

Summary of Bill:

"Possession" of stolen checks with different account numbers creates a presumption that the possessor, excluding financial institutions, had knowledge that the items were stolen. A person is guilty of possessing stolen property in the second degree if he or she is not a financial institution and possess stolen checks or drafts. "Possession" of stolen checks or drafts is possession of stolen property in the second degree, a class C felony.

"Theft" of checks or drafts is theft in the second degree, a class C felony.

A "financial institution" means a business that as a regular aspect of its operation participates in the check collection or check clearing process, including but not limited to a person doing business under the laws of the state of Washington, any other state or territory of the United States, or the United States relating to commercial banks, bank holding companies, savings banks, trust companies, savings and loan associations, credit unions, clearing houses, and the affiliates, subsidiaries, and service corporations of them. "Financial institution" also means a person or entity employed by or acting on behalf of a financial institution, when acting in that capacity.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Over the last two years, the state has had an increase in the crimes of stolen and forged checks and drafts. As a result, the check forgery squad from the Seattle Police Department had to be doubled in size in order to handle the amount of check and counterfeit cases they see on a regular basis. The current stolen property statute only covers credit cards and access devices, however, the possession of stolen checks and drafts should also be included under this same statute.

Testimony Against: None.

Testified: (In support) Eric Sano, Seattle Police Department.