

HOUSE BILL REPORT

HB 1255

As Reported By House Committee On:
Criminal Justice & Corrections

Title: An act relating to motor vehicle theft.

Brief Description: Increasing penalties for taking a motor vehicle without permission.

Sponsors: Representatives Koster, O'Brien, Ballasiotes, Dunn, Radcliff and Esser.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/3/99, 3/2/99 [DPS].

Brief Summary of Substitute Bill

- Divides the crime of taking a motor vehicle without permission into two degrees.
- Retains the current elements of the crime « taking a motor vehicle without permission, or riding in a car knowing it has been taken without permission « as second-degree motor vehicle theft, and makes it a class C, seriousness level II felony for adult offenders and an offense category B crime for juvenile offenders.
- Provides that a person is guilty of first-degree motor vehicle theft « a class B, seriousness level V felony for adults, and an offense category B+ for juveniles « if he or she takes a vehicle without permission and either alters it, removes the parts with intent to sell the parts, exports or attempts to export the vehicle for profit, intends to sell the vehicle, or is engaged in a conspiracy to steal motor vehicles for sale to others for profit.
- Changes the way the offender score is calculated with respect to prior convictions for the crime of taking a motor vehicle without permission.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Staff: Jean Ann Quinn (786-7310).

Background:

Under the Sentencing Reform Act (SRA), an adult offender convicted of a felony has a standard sentence range that is based on the seriousness of the offense and the offender's felony convictions. The number of points an offender receives for current and prior felonies varies according to certain rules. For example, if the offender is convicted for a drug offense, three points are added for each adult prior felony drug offense conviction and two points are added for each prior juvenile drug offense. The effect of receiving an additional point means that the standard sentence range is longer.

Taking a motor vehicle without permission, or riding in a vehicle knowing it was taken without permission, is a class C felony, which carries a maximum term of five years, or a fine of up to \$10,000, or both. It is ranked as a seriousness level I crime under the SRA which, for a first time offender, has a standard sentence range of 0-60 days.

Juveniles who commit criminal offenses are also sentenced under a determinate sentencing model, which for an offense committed on or after July 1, 1998, is based on the seriousness of the offense (offense category) and the number of prior adjudications. Taking a motor vehicle without permission is ranked as an offense category C crime which, for a first-time offender, involves local sanctions. Local sanctions can include any combination of the following: 0-30 days confinement; 0-12 months community supervision; 0-150 hours community service; and a fine of \$0 to \$500.

Summary of Substitute Bill:

The crime is divided into two degrees. The current elements of the crime « taking the vehicle without permission or voluntarily riding in it knowing it was taken without permission « become second-degree motor vehicle theft. The crime in the second degree remains a class C felony for adult offenders, and is raised to seriousness level II under the SRA. For an offender without prior convictions, the standard sentence range for a seriousness level II crime is 0-90 days. For juvenile offenders, second-degree motor vehicle theft is classified as an offense category B crime which, for a first-time offender, involves local sanctions.

Taking a motor vehicle in the first degree is created and is committed if a person takes a motor vehicle without permission and he or she:

- (1) Alters the vehicle to change its appearance or identification numbers;
- (2) Removes parts from the vehicle with the intent to sell the parts;
- (3) Exports or attempts to export the vehicle out-of-state or out of the country for profit;
- (4) Intends to sell the vehicle; or
- (5) Is engaged in a conspiracy the object of which is the theft of motor vehicles for sale to others for profit.

Taking a motor vehicle without permission in the first degree is a class B felony and ranked as a seriousness level V crime for an adult offender. The maximum penalty for a class B felony is imprisonment of not more than 10 years, or a fine of not more than \$20,000, or both. For an offender without prior convictions, the standard sentence range for a seriousness level V crime is 6-12 months. For juveniles, the crime is categorized as offense category B+, which carries a standard sentence range of 15-36 weeks for an offender with no prior adjudications.

Adult offenders convicted of taking a motor vehicle without permission in either the first or second degree will have two points added to their offender score for each prior adult and juvenile conviction for this offense.

Substitute Bill Compared to Original Bill: The substitute bill divides the crime into two degrees, creates the new first degree of the crime, and changes the penalties based on the degree of the crime committed.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: (Original bill) This bill is part of a package of legislation designed to address gaps in the current criminal justice system that have a major impact on the public. Motor vehicle theft has increased from 20,000 to 33,000 cases in the last 10 years. While property crime in general is decreasing, auto theft is actually increasing dramatically « approximately 13-14 percent in the last year. Also, juveniles now account for about one-half of all auto theft cases. The bill targets repeat auto thieves who are not currently deterred from committing the crime because the penalties are so low. Auto theft is a dangerous, violent crime. There are also many unrecoverable costs associated with it.

(In support with concerns) The bill is an improvement over current law, but the penalties are still not tough enough to be a real deterrent. Police have no incentive to make auto theft a priority.

Testimony Against: (Original bill) Auto theft is not a violent offense and shouldn't be categorized at the same level as second degree assault, second degree child molestation, and second degree burglary. In many of the incidents causing concern, the prosecutor could have charged first degree theft. A person can be convicted of this crime « which would now be a class B felony « for just being a passenger in the car. Also, these cases often involve a child taking his or her parent's car, and for this, the penalty is too high. We should instead be focusing on the "chop shops" and professional thieves, and seeing that the laws that we already have are enforced.

Testified: (In support) Norm Maleng, King County Prosecutor's Office; Craig McGee, Pemco Insurance; Robert Lauver, citizen; Sherry Wallmark, victim; Larry Erickson, Washington Association of Sheriffs and Police Chiefs; and Mike Patrick, Washington Council of Police and Sheriffs.

(Opposed) Sherry Appleton, Washington Defender Association.