

SENATE BILL REPORT

SB 5118

As Reported By Senate Committee On:
Judiciary, January 25, 1999

Title: An act relating to motor vehicle theft.

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

Sponsors: Senators Heavey, Roach, McCaslin, Snyder, Rossi, Goings, T. Sheldon, Oke and Costa.

Brief History:

Committee Activity: Judiciary: 1/18/99, 1/25/99 [DP-WM].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Johnson, McCaslin, Roach and Zarelli.

Staff: Harry Steinmetz (786-7421)

Background: Presently, the crime of taking a motor vehicle without permission is a class C felony, a five-year maximum sentence, with a rank of "I" on the seriousness level in the Sentencing Reform Act, equating to 0 - 60 days standard range for a first time offender. Since 1988, the number of vehicles reported stolen has increased over 61 percent. Although the state's property crime rate dropped 5 percent last year, auto theft rose nearly 14 percent. Juveniles currently account for more than half of all auto theft arrests. The average value of a stolen car is \$5,416. Less than 7 percent of auto thefts were solved in 1997. In 1998, of the 587 adults convicted of taking a motor vehicle without permission, only 13 percent were sent to prison and the balance received an average jail term of 2.4 months.

Summary of Bill: The penalties for taking a motor vehicle without permission are increased to a class B felony with a maximum sentence of 10 years. The seriousness level is raised to a level "II" for a standard range of 0-90 days for a first-time offender. Additionally, each prior conviction, adult or juvenile, for taking a motor vehicle without permission mandates a count of two points on the offender score if the present conviction is for the same crime. Additionally, the crime of taking a motor vehicle without permission is increased from a class C juvenile offense to a class B offense.

Appropriation: None.

Fiscal Note: Requested on January 14, 1999.

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

Testimony For: This is not just a property crime, people get hurt. The victims are violated by this crime. It is big business. If auto theft were a business, it would rank 50th on the Fortune 500. As the costs of the vehicles are going up, the appeal of the crime is increased. There are gangs and chop shops that are turning huge profits on this crime and can strip a car in 30 minutes. The crime cost insurance companies \$3.1 billion in 1997 and \$4.9 billion in 1998. This is a crime with violent consequences and is a quality of life issue.

Testimony Against: The offense is not a violent offense and should not be ranked the same as violent offenses. Not all cars have a value consistent with a class B felony. Presently a passenger who had nothing to do with the taking of the car can be convicted. A frequent scenario is a child taking a parent's car. Few parents will help in the prosecution of a class B felony. The result will be a disproportionately high prison term for a relatively minor property offense. The prison space is better used for violent felons.

Testified: PRO: Dan Satterberg, King County Prosecuting Attorney's Office; Sheryl Wallmark, victim; Larry Erickson, WASPC; Mike Patrick, WACOP; Jim Bricker, PEMCO Financial Services; Jim McCroskey, Lewis County Sheriff; CON: Sherry Appleton, WA Defenders Assoc. and WA Assoc. of Criminal Defense Attorneys.