

***Criminal Justice & Corrections
Committee***

HB 1556

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

Sponsors: *Representatives Marine, Ballasiotes, O'Brien and Campbell.*

Brief Summary of Bill

- *Divides the crime of taking a motor vehicle without permission into two degrees.*
- *Retains the current elements of the crime as second-degree motor vehicle theft, and raises it to a class C, seriousness level II felony for adult offenders and an offense category B crime for juvenile offenders.*
- *Changes the way the offender score is calculated with respect to prior convictions for the crime of taking a motor vehicle without permission.*

Hearing Date: *2/9/01*

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.

Intentionally taking a motor vehicle without permission, or voluntarily 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 Bill:

The crime is divided into two degrees. The current elements of the crime « intentionally 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 intentionally 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 six-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.

Appropriation: None.

Fiscal Note: Requested on February 2, 2001.

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