

HOUSE BILL REPORT

ESSB 6490

As Passed House - Amended:

March 8, 2002

Title: An act relating to motor vehicle theft.

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

Sponsors: By Senate Committee on Ways & Means (originally sponsored by Senators Roach, Kline, Rasmussen, Keiser, Regala, Benton, Honeyford, Oke, Hale, McDonald, Johnson, McCaslin, Kastama, Sheahan and Stevens).

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/27/02 [DP];

Appropriations: 3/2/02, 3/4/02 [DP].

Floor Activity:

Passed House - Amended: 3/8/02, 75-21.

Brief Summary of Engrossed Substitute Bill

- Divides the crime of taking a motor vehicle without permission into two degrees.
- Requires the Sentencing Guidelines Commission (SGC) to study the impact and deterrent effects of the new crime of taking a motor vehicle without permission.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 7 members: Representatives O'Brien, Chair; Lovick, Vice Chair; Ballasiotes, Ranking Minority Member; Ahern, Kagi, Kirby and Morell.

Staff: Yvonne Walker (786-7841).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass. Signed by 25 members: Representatives Sommers, Chair; Doumit, 1st Vice Chair; Fromhold, 2nd Vice Chair; Sehlin, Ranking Minority Member; Alexander, Boldt, Buck, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler,

Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Staff: Bernard Dean (786-7130).

Background:

The penalties for theft violations are generally based on the value of the property stolen.

Theft in the first degree occurs when a person commits theft of property or services valued in excess of \$1,500. Theft in the first degree is a seriousness level II, class B felony. A class B felony carries a maximum sentence of 10 years of incarceration, a fine of \$20,000, or both.

Theft in the second degree occurs when a person commits theft of property or services valued in excess of \$250, but not exceeding \$1,500. Theft in the second degree is a seriousness level I, class C felony. A class C felony carries a maximum sentence of five years of incarceration, a fine of \$10,000, or both.

Theft in the third degree occurs when a person commits theft of property or services valued less than \$250. Theft in the third degree is a gross misdemeanor. A gross misdemeanor carries a maximum sentence of one year in jail, a fine of \$5,000, or both.

Generally, an offense involving the theft of a motor vehicle is penalized based upon the value of the vehicle that was stolen.

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 Sentencing Reform Act which, for a first time offender has a standard sentence range of zero-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 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: zero-30 days confinement; zero-12 months community supervision; zero-150 hours community service; and a fine of \$0 to \$500.

Summary of Amended Bill:

The crime of taking a motor vehicle without permission 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 - becomes a second degree taking a motor vehicle without permission offense. Taking a motor vehicle without permission in the second degree is a seriousness level I, class C felony offense.

Taking a motor vehicle without permission 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 seriousness level V, class B felony.

The crime of taking a motor vehicle without permission is also divided into two degrees for juvenile adjudications. Taking a motor vehicle without permission in the first or second degree remains a class C offense. The sentence for a first time offender in either case is a local sanction.

In addition, the SGC must study and report its findings to the Legislature and Governor by December 2004, on the deterrent effects of the new crime of taking a motor vehicle without permission. In addition, the SGC must evaluate whether additional civil or criminal actions may have an effect on further decreasing the incidence of the crime of taking a motor vehicle without permission.

Appropriation: None.

Fiscal Note: Requested on February 27, 2002.

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

Testimony For: (Criminal Justice & Corrections) Every day since January over 100 vehicles have been stolen daily. The reason is because the state has not provided a commensurate punishment for the crime.

Over the last six months the Washington Association of Sheriffs and Police Chiefs (WASPC) has recognized that auto theft has become a growing crime. As a result, the WASPC has developed a task force to develop a comprehensive proposal to submit to the Legislature during the next legislative session.

This bill treats those convicted of organize car theft crimes differently from the joy riders.

This version of the bill deals more with adult convictions and was used to keep the fiscal note at a low amount.

Testimony For: (Appropriations) None.

Testimony Against: (Criminal Justice & Corrections) None.

Testimony Against: (Appropriations) None.

Testified: (Criminal Justice & Corrections) Senator Roach, prime sponsor.

Testified: (Appropriations) None.