

SENATE BILL REPORT

ESSB 6490

As Passed Senate, February 18, 2002

Title: An act relating to motor vehicle theft.

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

Sponsors: 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: Judiciary: 1/21/02, 1/28/02 [DP].

Ways & Means: 2/11/02, 2/12/02 [DPS, DNP].

Passed Senate: 2/18/02, 40-9.

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Kline, Chair; Kastama, Vice Chair; Costa, Hargrove, Johnson, Long, McCaslin, Poulsen, Roach, Thibaudeau and Zarelli.

Staff: Lidia Mori (786-7755)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 6490 be substituted therefor, and the substitute bill do pass.

Signed by Senators Brown, Chair; Regala, Vice Chair; Hewitt, Kline, Long, Poulsen, Rasmussen, Roach, Rossi, Sheahan, Thibaudeau and Zarelli.

Minority Report: Do not pass.

Signed by Senator Fairley, Vice Chair.

Staff: Bryon Moore (786-7726)

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. 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 to 60 days. Juveniles who commit criminal offenses are sentenced under a determinate sentencing model. The sentence of the offender is based on the seriousness of the offense (offense category) and the number of prior adjudications. Taking a motor vehicle without

permission is ranked at offense category C 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 of taking a motor vehicle without permission is divided into two degrees. The current elements of the crime, taking the vehicle without permission or voluntarily riding in it with knowledge of the fact it was unlawfully taken, become taking a motor vehicle without permission in the second degree. It is a class C felony for adult offenders and is raised to a seriousness level II under the SRA.

A person is guilty of taking a motor vehicle without permission in the first degree if a person takes a motor vehicle without permission and (1) alters the vehicle in order to change its appearance or primary identification; (2) removes or participates in removing a part or parts from the vehicle; (3) exports or attempts to export the vehicle across state lines or out of the U.S. for profit; (4) intends to sell the motor vehicle; or (5) is engaged in a conspiracy and the object of it is the theft of motor vehicles for sale to others. First degree taking a motor vehicle without permission is a class B felony and is ranked at seriousness level V for an adult offender.

Appropriation: None.

Fiscal Note: Requested on January 18, 2002.

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

Testimony For: A statewide task force should address this problem. This bill is the punishment prong of a response to this issue. Theft of a motor vehicle is not a victimless crime just because car owners may be covered by insurance. Motor vehicle theft is the fastest growing crime in Washington State. In this state, it has increased about 16 percent while in the rest of the nation it has decreased by 1 to 2 percent. Currently, the punishment does not fit the crime.

Testimony Against: The higher ranking of theft of a motor vehicle in this bill classes it with offenses that are viewed by most people as more serious, like rape 3.

Testified: Senator Pam Roach, prime sponsor; Sharyn Selskey (pro); Tim Schellberg, WA Assn. of Sheriffs and Police Chiefs (pro); Ed Dollar, Autobody Craftsmen Assn. (pro); Frank Zangar, Nat'l Insurance Crime Bureau (pro); Mel Sorenson, Nat'l Assn. of Independent Insurers, Allstate Insurance Co. (pro); Sophia Byrd, Assn. of Counties (with concerns); Sherry Appleton, WA Defender Assn., WA Assn. of Criminal Defense Lawyers (con).

House Amendment(s): The House amendment adds a Sentencing Guidelines Commission study of the impact of the act and whether additional sanctions or penalties are needed to reduce the incidence of the crime of taking a motor vehicle without permission.