
SENATE BILL 5262

State of Washington 57th Legislature 2001 Regular Session

By Senators Kline, McCaslin, Costa and Winsley

Read first time 01/17/2001. Referred to Committee on Judiciary.

1 AN ACT Relating to threshold property values for crimes against
2 property; amending RCW 9A.48.070, 9A.48.080, 9A.48.090, 9A.56.030,
3 9A.56.040, 9A.56.050, 9A.56.060, 9A.56.096, 9A.56.150, 9A.56.160,
4 and 9A.56.170; and prescribing penalties.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 9A.48.070 and 1983 1st ex.s. c 4 s 1 are each amended
7 to read as follows:

8 (1) A person is guilty of malicious mischief in the first
9 degree if he or she knowingly and maliciously:

10 (a) Causes physical damage to the property of another in an
11 amount exceeding ((one)) three thousand ((five hundred)) dollars;

12 (b) Causes an interruption or impairment of service rendered to
13 the public by physically damaging or tampering with an emergency
14 vehicle or property of the state, a political subdivision thereof,
15 or a public utility or mode of public transportation, power, or
16 communication; or

17 (c) Causes an impairment of the safety, efficiency, or
18 operation of an aircraft by physically damaging or tampering with

1 the aircraft or aircraft equipment, fuel, lubricant, or parts.

2 (2) Malicious mischief in the first degree is a class B felony.

3 **Sec. 2.** RCW 9A.48.080 and 1994 c 261 s 17 are each amended to read
4 as follows:

5 (1) A person is guilty of malicious mischief in the second
6 degree if he or she knowingly and maliciously:

7 (a) Causes physical damage to the property of another in an
8 amount exceeding (~~two hundred fifty~~) one thousand dollars; or

9 (b) Creates a substantial risk of interruption or impairment of
10 service rendered to the public, by physically damaging or
11 tampering with an emergency vehicle or property of the state, a
12 political subdivision thereof, or a public utility or mode of
13 public transportation, power, or communication.

14 (2) Malicious mischief in the second degree is a class C
15 felony.

16 **Sec. 3.** RCW 9A.48.090 and 1996 c 35 s 1 are each amended to read
17 as follows:

18 (1) A person is guilty of malicious mischief in the third
19 degree if he or she:

20 (a) Knowingly and maliciously causes physical damage to the
21 property of another, under circumstances not amounting to
22 malicious mischief in the first or second degree; or

23 (b) Writes, paints, or draws any inscription, figure, or mark
24 of any type on any public or private building or other structure
25 or any real or personal property owned by any other person unless
26 the person has obtained the express permission of the owner or
27 operator of the property, under circumstances not amounting to
28 malicious mischief in the first or second degree.

29 (2)(~~(a)~~) Malicious mischief in the third degree (~~under~~
30 ~~subsection (1)(a) of this section is a gross misdemeanor if the~~
31 ~~damage to the property is in an amount exceeding fifty dollars;~~
32 ~~otherwise, it is a misdemeanor.~~

33 (~~(b) Malicious mischief in the third degree under subsection~~
34 ~~(1)(b) of this section)~~) is a gross misdemeanor.

1 **Sec. 4.** RCW 9A.56.030 and 1995 c 129 s 11 are each amended to
2 read as follows:

3 (1) A person is guilty of theft in the first degree if he or
4 she commits theft of:

5 (a) Property or services which exceed(s) (~~one~~) three thousand
6 (~~five hundred~~) dollars in value other than a firearm as defined
7 in RCW 9.41.010; or

8 (b) Property of any value other than a firearm as defined in
9 RCW 9.41.010 taken from the person of another.

10 (2) Theft in the first degree is a class B felony.

11 **Sec. 5.** RCW 9A.56.040 and 1995 c 129 s 12 are each amended to read
12 as follows:

13 (1) A person is guilty of theft in the second degree if he or
14 she commits theft of:

15 (a) Property or services which exceed(s) (~~two hundred and~~
16 ~~fifty~~) one thousand dollars in value other than a firearm as
17 defined in RCW 9.41.010, but does not exceed (~~one~~) three
18 thousand (~~five hundred~~) dollars in value; or

19 (b) A public record, writing, or instrument kept, filed, or
20 deposited according to law with or in the keeping of any public
21 office or public servant; or

22 (c) An access device; or

23 (d) A motor vehicle, of a value less than (~~one~~) three
24 thousand (~~five hundred~~) dollars.

25 (2) Theft in the second degree is a class C felony.

26 **Sec. 6.** RCW 9A.56.050 and 1998 c 236 s 4 are each amended to read
27 as follows:

28 (1) A person is guilty of theft in the third degree if he or
29 she commits theft of property or services which (~~(a)~~) does not
30 exceed (~~two hundred and fifty~~) one thousand dollars in value (~~(~~
31 ~~or (b) includes ten or more merchandise pallets, or ten or more~~
32 ~~beverage crates, or a combination of ten or more merchandise~~
33 ~~pallets and beverage crates)~~).

34 (2) Theft in the third degree is a gross misdemeanor.

1 **Sec. 7.** RCW 9A.56.060 and 1982 c 138 s 1 are each amended to read
2 as follows:

3 (1) Any person who shall with intent to defraud, make, or draw,
4 or utter, or deliver to another person any check, or draft, on a
5 bank or other depository for the payment of money, knowing at the
6 time of such drawing, or delivery, that he or she has not
7 sufficient funds in, or credit with (~~said~~) the bank or other
8 depository, to meet (~~said~~) the check or draft, in full upon its
9 presentation, (~~shall be~~) is guilty of unlawful issuance of bank
10 check. The word "credit" as used herein shall be construed to
11 mean an arrangement or understanding with the bank or other
12 depository for the payment of such check or draft, and the
13 uttering or delivery of such a check or draft to another person
14 without such fund or credit to meet the same shall be prima facie
15 evidence of an intent to defraud.

16 (2) Any person who shall with intent to defraud, make, or draw,
17 or utter, or deliver to another person any check, or draft on a
18 bank or other depository for the payment of money and who issues a
19 stop-payment order directing the bank or depository on which the
20 check is drawn not to honor (~~said~~) the check, and who fails to
21 make payment of money in the amount of the check or draft or
22 otherwise arrange a settlement agreed upon by the holder of the
23 check within twenty days of issuing (~~said~~) the check or draft
24 (~~shall be~~) is guilty of unlawful issuance of a bank check.

25 (3) When any series of transactions which constitute unlawful
26 issuance of a bank check would, when considered separately,
27 constitute unlawful issuance of a bank check in an amount of (~~two~~
28 ~~hundred fifty~~) one thousand dollars or less because of value, and
29 the series of transactions are a part of a common scheme or plan,
30 the transactions may be aggregated in one count and the sum of the
31 value of all of the transactions shall be the value considered in
32 determining whether the unlawful issuance of a bank check is to be
33 punished as a class C felony or a gross misdemeanor.

34 (4) Unlawful issuance of a bank check in an amount greater than
35 (~~two hundred fifty~~) one thousand dollars is a class C felony.

36 (5) Unlawful issuance of a bank check in an amount of (~~two~~
37 ~~hundred fifty~~) one thousand dollars or less is a gross
38 misdemeanor and shall be punished as follows:

1 (a) The court shall order the defendant to make full
2 restitution;

3 (b) The defendant need not be imprisoned, but the court shall
4 impose a minimum fine of five hundred dollars. Of the fine
5 imposed, at least fifty dollars shall not be suspended or
6 deferred. Upon conviction for a second offense within any twelve-
7 month period, the court may suspend or defer only that portion of
8 the fine which is in excess of five hundred dollars.

9 **Sec. 8.** RCW 9A.56.096 and 1997 c 346 s 1 are each amended to read
10 as follows:

11 (1) A person who, with intent to deprive the owner or owner's
12 agent, wrongfully obtains, or exerts unauthorized control over, or
13 by color or aid of deception gains control of personal property
14 that is rented or leased to the person, is guilty of theft of
15 rental, leased, or lease-purchased property.

16 (2) The finder of fact may presume intent to deprive if the
17 finder of fact finds either of the following:

18 (a) That the person who rented or leased the property failed to
19 return or make arrangements acceptable to the owner of the
20 property or the owner's agent to return the property to the owner
21 or the owner's agent within seventy-two hours after receipt of
22 proper notice following the due date of the rental, lease, or
23 lease-purchase agreement; or

24 (b) That the renter or lessee presented identification to the
25 owner or the owner's agent that was materially false, fictitious,
26 or not current with respect to name, address, place of employment,
27 or other appropriate items.

28 (3) As used in subsection (2) of this section, "proper notice"
29 consists of a written demand by the owner or the owner's agent
30 made after the due date of the rental, lease, or lease-purchase
31 period, mailed by certified or registered mail to the renter or
32 lessee at: (a) The address the renter or lessee gave when the
33 contract was made; or (b) the renter or lessee's last known
34 address if later furnished in writing by the renter, lessee, or
35 the agent of the renter or lessee.

36 (4) The replacement value of the property obtained must be
37 utilized in determining the amount involved in the theft of

1 rental, leased, or lease-purchased property. Theft of rental,
2 leased, or lease-purchased property is a: Class B felony if the
3 rental, leased, or lease-purchased property is valued at (~~one~~)
4 three thousand (~~five hundred~~) dollars or more; class C felony if
5 the rental, leased, or lease-purchased property is valued at (~~two~~
6 ~~hundred fifty~~) one thousand dollars or more but less than (~~one~~)
7 three thousand (~~five hundred~~) dollars; and gross misdemeanor if
8 the rental, leased, or lease-purchased property is valued at less
9 than (~~two hundred fifty~~) one thousand dollars.

10 (5) This section applies to rental agreements that provide that
11 the renter may return the property any time within the rental
12 period and pay only for the time the renter actually retained the
13 property, in addition to any minimum rental fee, to lease
14 agreements, and to lease-purchase agreements as defined under RCW
15 63.19.010. This section does not apply to rental or leasing of
16 real property under the residential landlord-tenant act, chapter
17 59.18 RCW.

18 **Sec. 9.** RCW 9A.56.150 and 1995 c 129 s 14 are each amended to read
19 as follows:

20 (1) A person is guilty of possessing stolen property in the
21 first degree if he or she possesses stolen property other than a
22 firearm as defined in RCW 9.41.010 which exceeds (~~one~~) three
23 thousand (~~five hundred~~) dollars in value.

24 (2) Possessing stolen property in the first degree is a class B
25 felony.

26 **Sec. 10.** RCW 9A.56.160 and 1995 c 129 s 15 are each amended to read
27 as follows:

28 (1) A person is guilty of possessing stolen property in the
29 second degree if:

30 (a) He or she possesses stolen property other than a firearm as
31 defined in RCW 9.41.010 which exceeds (~~two hundred fifty~~) one
32 thousand dollars in value but does not exceed (~~one~~) three
33 thousand (~~five hundred~~) dollars in value; or

34 (b) He or she possesses a stolen public record, writing or
35 instrument kept, filed, or deposited according to law; or

36 (c) He or she possesses a stolen access device; or

1 (d) He or she possesses a stolen motor vehicle of a value less
2 than (~~one~~) three thousand (~~five hundred~~) dollars.

3 (2) Possessing stolen property in the second degree is a class
4 C felony.

5 **Sec. 11.** RCW 9A.56.170 and 1998 c 236 s 2 are each amended to read
6 as follows:

7 (1) A person is guilty of possessing stolen property in the
8 third degree if he or she possesses (~~(a)~~) stolen property which
9 does not exceed (~~two hundred fifty~~) one thousand dollars in
10 value(~~(, or (b) ten or more stolen merchandise pallets, or ten or~~
11 ~~more stolen beverage crates, or a combination of ten or more~~
12 ~~stolen merchandise pallets and beverage crates)~~).

13 (2) Possessing stolen property in the third degree is a gross
14 misdemeanor.

--- END ---

