

SSB 5628 - H COMM AMD

By Committee on Criminal Justice & Corrections

1 Strike everything after the enacting clause and insert the
2 following:

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

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

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

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

13 (c) Causes an impairment of the safety, efficiency, or operation of
14 an aircraft by physically damaging or tampering with the aircraft or
15 aircraft equipment, fuel, lubricant, or parts.

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

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

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

21 (a) Causes physical damage to the property of another in an amount
22 exceeding (~~two~~) seven hundred fifty dollars; or

23 (b) Creates a substantial risk of interruption or impairment of
24 service rendered to the public, by physically damaging or tampering
25 with an emergency vehicle or property of the state, a political
26 subdivision thereof, or a public utility or mode of public
27 transportation, power, or communication.

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

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

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

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

8 (b) Writes, paints, or draws any inscription, figure, or mark of
9 any type on any public or private building or other structure or any
10 real or personal property owned by any other person unless the person
11 has obtained the express permission of the owner or operator of the
12 property, under circumstances not amounting to malicious mischief in
13 the first or second degree.

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

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

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

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

24 (a) Property or services which exceed(s) ((~~one~~)) two thousand five
25 hundred dollars in value other than a firearm as defined in RCW
26 9.41.010; or

27 (b) Property of any value other than a firearm as defined in RCW
28 9.41.010 taken from the person of another.

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

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

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

34 (a) Property or services which exceed(s) ((~~two~~)) five hundred ((~~and~~

1 ~~fifty~~) dollars in value other than a firearm as defined in RCW
2 9.41.010, but does not exceed (~~one~~) two thousand five hundred dollars
3 in value; or

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

7 (c) An access device; or

8 (d) A motor vehicle, of a value less than (~~one~~) two thousand five
9 hundred dollars.

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

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

13 (1) A person is guilty of theft in the third degree if he or she
14 commits theft of property or services which (a) does not exceed (~~two~~)
15 five hundred (~~and fifty~~) dollars in value, or (b) includes ten or
16 more merchandise pallets, or ten or more beverage crates, or a
17 combination of ten or more merchandise pallets and beverage crates.

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

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

21 (1) Any person who shall with intent to defraud, make, or draw, or
22 utter, or deliver to another person any check, or draft, on a bank or
23 other depository for the payment of money, knowing at the time of such
24 drawing, or delivery, that he or she has not sufficient funds in, or
25 credit with (~~said~~) the bank or other depository, to meet (~~said~~) the
26 check or draft, in full upon its presentation, (~~shall be~~) is guilty
27 of unlawful issuance of bank check. The word "credit" as used herein
28 shall be construed to mean an arrangement or understanding with the
29 bank or other depository for the payment of such check or draft, and
30 the uttering or delivery of such a check or draft to another person
31 without such fund or credit to meet the same shall be prima facie
32 evidence of an intent to defraud.

33 (2) Any person who shall with intent to defraud, make, or draw, or
34 utter, or deliver to another person any check, or draft on a bank or
35 other depository for the payment of money and who issues a stop-payment

1 order directing the bank or depository on which the check is drawn not
2 to honor (~~said~~) the check, and who fails to make payment of money in
3 the amount of the check or draft or otherwise arrange a settlement
4 agreed upon by the holder of the check within twenty days of issuing
5 (~~said~~) the check or draft (~~shall be~~) is guilty of unlawful issuance
6 of a bank check.

7 (3) When any series of transactions which constitute unlawful
8 issuance of a bank check would, when considered separately, constitute
9 unlawful issuance of a bank check in an amount of (~~two~~) seven hundred
10 fifty dollars or less because of value, and the series of transactions
11 are a part of a common scheme or plan, the transactions may be
12 aggregated in one count and the sum of the value of all of the
13 transactions shall be the value considered in determining whether the
14 unlawful issuance of a bank check is to be punished as a class C felony
15 or a gross misdemeanor.

16 (4) Unlawful issuance of a bank check in an amount greater than
17 (~~two~~) five hundred (~~fifty~~) dollars is a class C felony.

18 (5) Unlawful issuance of a bank check in an amount of (~~two~~) five
19 hundred (~~fifty~~) dollars or less is a gross misdemeanor and shall be
20 punished as follows:

- 21 (a) The court shall order the defendant to make full restitution;
- 22 (b) The defendant need not be imprisoned, but the court shall
23 impose a minimum fine of five hundred dollars. Of the fine imposed, at
24 least fifty dollars shall not be suspended or deferred. Upon
25 conviction for a second offense within any twelve-month period, the
26 court may suspend or defer only that portion of the fine which is in
27 excess of five hundred dollars.

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

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

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

1 (a) That the person who rented or leased the property failed to
2 return or make arrangements acceptable to the owner of the property or
3 the owner's agent to return the property to the owner or the owner's
4 agent within seventy-two hours after receipt of proper notice following
5 the due date of the rental, lease, or lease-purchase agreement; or

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

10 (3) As used in subsection (2) of this section, "proper notice"
11 consists of a written demand by the owner or the owner's agent made
12 after the due date of the rental, lease, or lease-purchase period,
13 mailed by certified or registered mail to the renter or lessee at: (a)
14 The address the renter or lessee gave when the contract was made; or
15 (b) the renter or lessee's last known address if later furnished in
16 writing by the renter, lessee, or the agent of the renter or lessee.

17 (4) The replacement value of the property obtained must be utilized
18 in determining the amount involved in the theft of rental, leased, or
19 lease-purchased property. Theft of rental, leased, or lease-purchased
20 property is a: Class B felony if the rental, leased, or lease-
21 purchased property is valued at (~~one~~) two thousand five hundred
22 dollars or more; class C felony if the rental, leased, or lease-
23 purchased property is valued at (~~two~~) seven hundred fifty dollars or
24 more but less than (~~one~~) two thousand five hundred dollars; and gross
25 misdemeanor if the rental, leased, or lease-purchased property is
26 valued at less than (~~two~~) seven hundred fifty dollars.

27 (5) This section applies to rental agreements that provide that the
28 renter may return the property any time within the rental period and
29 pay only for the time the renter actually retained the property, in
30 addition to any minimum rental fee, to lease agreements, and to lease-
31 purchase agreements as defined under RCW 63.19.010. This section does
32 not apply to rental or leasing of real property under the residential
33 landlord-tenant act, chapter 59.18 RCW.

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

36 (1) A person is guilty of possessing stolen property in the first

1 degree if he or she possesses stolen property other than a firearm as
2 defined in RCW 9.41.010 which exceeds (~~one~~) two thousand five hundred
3 dollars in value.

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

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

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

10 (a) He or she possesses stolen property other than a firearm as
11 defined in RCW 9.41.010 which exceeds (~~two~~) seven hundred fifty
12 dollars in value but does not exceed (~~one~~) two thousand five hundred
13 dollars in value; or

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

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

17 (d) He or she possesses a stolen motor vehicle of a value less than
18 (~~one~~) two thousand five hundred dollars.

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

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

23 (1) A person is guilty of possessing stolen property in the third
24 degree if he or she possesses (a) stolen property which does not exceed
25 (~~two~~) seven hundred fifty dollars in value, or (b) ten or more stolen
26 merchandise pallets, or ten or more stolen beverage crates, or a
27 combination of ten or more stolen merchandise pallets and beverage
28 crates.

29 (2) Possessing stolen property in the third degree is a gross
30 misdemeanor."

31 Correct the title.

EFFECT: Theft: The threshold values for theft are decreased.

Theft in the 2nd degree includes stolen property or services valued at over \$500 (instead of \$750) but not exceeding \$2,500. Theft in the 3rd degree includes stolen property or services valued at or less than \$500 (instead of \$750).

Unlawful issuance of checks or drafts: The threshold values for the unlawful issuance of checks or draft crimes is decreased to the following: If the total value of all the transactions is greater than \$500 (instead of \$750), the person is guilty of a class C felony offense; if the total value of all the transactions has a value of \$500 or less (instead of \$750 or less), then the person is guilty of a gross misdemeanor offense.

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