
HOUSE BILL 1394

State of Washington

58th Legislature

2003 Regular Session

By Representatives Kagi, Delvin, O'Brien, Moeller, Sullivan, Cooper, Campbell, McIntire, Flannigan and Wallace

Read first time 01/24/2003. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to threshold property values for crimes against
2 property; amending RCW 9A.48.070, 9A.48.080, 9A.56.030, 9A.56.040,
3 9A.56.050, 9A.56.060, 9A.56.096, 9A.56.150, 9A.56.160, and 9A.56.170;
4 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 degree if
9 he or she knowingly and maliciously:

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

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

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

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

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

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

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

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

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

13 **Sec. 3.** RCW 9A.56.030 and 1995 c 129 s 11 are each amended to read
14 as follows:

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

17 (a) Property or services which exceed(s) (~~one~~) two thousand five
18 hundred dollars in value other than a firearm as defined in RCW
19 9.41.010; or

20 (b) Property of any value other than a firearm as defined in RCW
21 9.41.010 taken from the person of another.

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

23 **Sec. 4.** RCW 9A.56.040 and 1995 c 129 s 12 are each amended to read
24 as follows:

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

27 (a) Property or services which exceed(s) (~~two~~) seven hundred
28 (~~and~~) fifty dollars in value other than a firearm as defined in RCW
29 9.41.010, but does not exceed (~~one~~) two thousand five hundred dollars
30 in value; or

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

34 (c) An access device; or

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

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

2 **Sec. 5.** RCW 9A.56.050 and 1998 c 236 s 4 are each amended to read
3 as follows:

4 (1) A person is guilty of theft in the third degree if he or she
5 commits theft of property or services which (a) does not exceed ((~~two~~))
6 seven hundred ((~~and~~)) fifty dollars in value, or (b) includes ten or
7 more merchandise pallets, or ten or more beverage crates, or a
8 combination of ten or more merchandise pallets and beverage crates.

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

10 **Sec. 6.** RCW 9A.56.060 and 1982 c 138 s 1 are each amended to read
11 as follows:

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

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

33 (3) When any series of transactions which constitute unlawful
34 issuance of a bank check would, when considered separately, constitute
35 unlawful issuance of a bank check in an amount of ((~~two~~)) seven hundred
36 fifty dollars or less because of value, and the series of transactions

1 are a part of a common scheme or plan, the transactions may be
2 aggregated in one count and the sum of the value of all of the
3 transactions shall be the value considered in determining whether the
4 unlawful issuance of a bank check is to be punished as a class C felony
5 or a gross misdemeanor.

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

8 (5) Unlawful issuance of a bank check in an amount of (~~two~~) seven
9 hundred fifty dollars or less is a gross misdemeanor and shall be
10 punished as follows:

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

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

18 **Sec. 7.** RCW 9A.56.096 and 1997 c 346 s 1 are each amended to read
19 as follows:

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

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

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

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

36 (3) As used in subsection (2) of this section, "proper notice"
37 consists of a written demand by the owner or the owner's agent made

1 after the due date of the rental, lease, or lease-purchase period,
2 mailed by certified or registered mail to the renter or lessee at: (a)
3 The address the renter or lessee gave when the contract was made; or
4 (b) the renter or lessee's last known address if later furnished in
5 writing by the renter, lessee, or the agent of the renter or lessee.

6 (4) The replacement value of the property obtained must be utilized
7 in determining the amount involved in the theft of rental, leased, or
8 lease-purchased property. Theft of rental, leased, or lease-purchased
9 property is a: Class B felony if the rental, leased, or lease-
10 purchased property is valued at (~~one~~) two thousand five hundred
11 dollars or more; class C felony if the rental, leased, or lease-
12 purchased property is valued at (~~two~~) seven hundred fifty dollars or
13 more but less than (~~one~~) two thousand five hundred dollars; and gross
14 misdemeanor if the rental, leased, or lease-purchased property is
15 valued at less than (~~two~~) seven hundred fifty dollars.

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

23 **Sec. 8.** RCW 9A.56.150 and 1995 c 129 s 14 are each amended to read
24 as follows:

25 (1) A person is guilty of possessing stolen property in the first
26 degree if he or she possesses stolen property other than a firearm as
27 defined in RCW 9.41.010 which exceeds (~~one~~) two thousand five hundred
28 dollars in value.

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

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

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

35 (a) He or she possesses stolen property other than a firearm as

1 defined in RCW 9.41.010 which exceeds (~~two~~) seven hundred fifty
2 dollars in value but does not exceed (~~one~~) two thousand five hundred
3 dollars in value; or

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

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

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

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

11 **Sec. 10.** RCW 9A.56.170 and 1998 c 236 s 2 are each amended to read
12 as follows:

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

19 (2) Possessing stolen property in the third degree is a gross
20 misdemeanor.

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