
SUBSTITUTE SENATE BILL 5628

State of Washington

58th Legislature

2003 Regular Session

By Senate Committee on Judiciary (originally sponsored by Senators Brandland, Esser, Kline and Kohl-Welles; by request of Sentencing Guidelines Commission)

READ FIRST TIME 02/17/03.

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, and
4 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 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.48.090 and 1996 c 35 s 1 are each amended to read
14 as follows:

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

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

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

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

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

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

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

1 (a) Property or services which exceed(s) (~~one~~) two thousand five
2 hundred dollars in value other than a firearm as defined in RCW
3 9.41.010; or

4 (b) Property of any value other than a firearm as defined in RCW
5 9.41.010 taken from the person of another.

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

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

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

11 (a) Property or services which exceed(s) (~~two~~) seven hundred
12 (~~and~~) fifty dollars in value other than a firearm as defined in RCW
13 9.41.010, but does not exceed (~~one~~) two thousand five hundred dollars
14 in value; or

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

18 (c) An access device; or

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

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

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

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

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

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

32 (1) Any person who shall with intent to defraud, make, or draw, or
33 utter, or deliver to another person any check, or draft, on a bank or
34 other depository for the payment of money, knowing at the time of such
35 drawing, or delivery, that he or she has not sufficient funds in, or

1 credit with (~~said~~) the bank or other depository, to meet (~~said~~) the
2 check or draft, in full upon its presentation, (~~shall be~~) is guilty
3 of unlawful issuance of bank check. The word "credit" as used herein
4 shall be construed to mean an arrangement or understanding with the
5 bank or other depository for the payment of such check or draft, and
6 the uttering or delivery of such a check or draft to another person
7 without such fund or credit to meet the same shall be prima facie
8 evidence of an intent to defraud.

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

18 (3) When any series of transactions which constitute unlawful
19 issuance of a bank check would, when considered separately, constitute
20 unlawful issuance of a bank check in an amount of (~~two~~) seven hundred
21 fifty dollars or less because of value, and the series of transactions
22 are a part of a common scheme or plan, the transactions may be
23 aggregated in one count and the sum of the value of all of the
24 transactions shall be the value considered in determining whether the
25 unlawful issuance of a bank check is to be punished as a class C felony
26 or a gross misdemeanor.

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

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

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

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

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

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

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

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

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

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

26 (4) The replacement value of the property obtained must be utilized
27 in determining the amount involved in the theft of rental, leased, or
28 lease-purchased property. Theft of rental, leased, or lease-purchased
29 property is a: Class B felony if the rental, leased, or lease-
30 purchased property is valued at (~~one~~) two thousand five hundred
31 dollars or more; class C felony if the rental, leased, or lease-
32 purchased property is valued at (~~two~~) seven hundred fifty dollars or
33 more but less than (~~one~~) two thousand five hundred dollars; and gross
34 misdemeanor if the rental, leased, or lease-purchased property is
35 valued at less than (~~two~~) seven hundred fifty dollars.

36 (5) This section applies to rental agreements that provide that the
37 renter may return the property any time within the rental period and
38 pay only for the time the renter actually retained the property, in

1 addition to any minimum rental fee, to lease agreements, and to lease-
2 purchase agreements as defined under RCW 63.19.010. This section does
3 not apply to rental or leasing of real property under the residential
4 landlord-tenant act, chapter 59.18 RCW.

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

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

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

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

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

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

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

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

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

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

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

30 (1) A person is guilty of possessing stolen property in the third
31 degree if he or she possesses (a) stolen property which does not exceed
32 (~~two~~) seven hundred fifty dollars in value, or (b) ten or more stolen
33 merchandise pallets, or ten or more stolen beverage crates, or a
34 combination of ten or more stolen merchandise pallets and beverage
35 crates.

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

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