
**Criminal Justice & Corrections
Committee**

HB 2822

Brief Description: Modifying provisions relating to taking a motor vehicle without permission.

Sponsors: Representatives Priest, Haler, Orcutt, Campbell, Ericksen, Woods, Alexander, Talcott, Kristiansen, Holmquist, Rodne, Serben, Roach, Buri, Skinner, Schindler, Hinkle, Jarrett, McDonald, P. Sullivan, Simpson, Walsh, Tom, Armstrong, McCune, Shabro and Dunn.

Brief Summary of Bill

- Establishes mandatory minimum penalties for juvenile and adult offenders convicted of taking a motor vehicle without permission.
- Makes the possession of shaved keys a gross misdemeanor offense.
- Appropriates \$7 million to the Washington State Patrol for establishing and operating three regional auto theft task forces.
- Appropriates \$3 million to the Washington State Patrol for establishing and operating pro-action auto theft SWAT units.

Hearing Date: 1/24/06

Staff: Yvonne Walker (786-7841).

Background:

A person is guilty of taking a motor vehicle without permission in the first degree; if such person intentionally takes a motor vehicle without permission and he or she:

- 1) alters the vehicle to change its appearance or identification numbers;
- 2) removes parts from the vehicle with the intent to sell the parts;
- 3) exports or attempts to export the vehicle out-of-state or out of the country for profit;
- 4) intends to sell the vehicle; or
- 5) is engaged in a conspiracy, the object of which is the theft of motor vehicles for sale to others for profit.

Taking a motor vehicle without permission in the first degree is a class B felony which carries a maximum term of 10 years of incarceration, or a fine of up to \$20,000, or both. It is ranked as a

seriousness level V crime under the Sentencing Reform Act (SRA) which, for a first-time adult offender has a standard sentence range of six to 12 months.

A person who intentionally takes a motor vehicle without permission or voluntarily rides in a vehicle knowing it was taken without permission, is guilty of second degree taking a motor vehicle without permission offense. Taking a motor vehicle without permission in the second degree is a class C felony offense which carries a maximum term of five years of incarceration, 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 adult offender has a standard sentence range of zero to 60 days.

A juvenile convicted of taking a motor vehicle without permission in the first or second degree would be guilty of a category C offense. A first-time offender, with no previous criminal history, would receive a local sanction for a category C offense. Local sanctions can include any combination of the following: zero-30 days confinement; zero-12 months community supervision; zero-150 hours community restitution; and a fine of zero to \$500.

Summary of Bill:

An offender convicted of taking a motor vehicle without permission is subject to mandatory minimum sentencing terms.

Presumptions are created:

- Whereby the person is presumed to know that the vehicles are stolen when he or she possess or controls two or more stolen vehicles.
- When a person has been found in possession of a stolen vehicle on two previous occasions, or has been found with a stolen vehicle under his or her control on two previous occasions, he or she is presumed to know that the third and subsequent vehicles in his or her possession, or under his or her control, are stolen.

First degree taking a motor vehicle without permission

Adult Offenders. An adult offender convicted of first degree taking a motor vehicle without permission who has no prior criminal vehicle theft history, must be sentenced to a minimum term of:

- not less than 200 days of total confinement;
- not less than 90 days of community custody;
- not less than 45 hours of community restitution; and
- a fine of not less than \$150.

An adult offender with one prior criminal vehicle theft conviction, must be sentenced to a minimum term of:

- not less than 380 days of total confinement;
- not less than 120 days of community custody;
- not less than 60 hours of community restitution; and
- a fine of not less than \$200.

An adult offender with two or more prior criminal vehicle theft convictions, must be sentenced to a minimum term of:

- not less than 480 days of total confinement;
- not less than 180 days of community custody;
- not less than 90 hours of community restitution; and

- a fine of not less than \$250.

Juvenile Offenders. A juvenile offender convicted of first degree taking a motor vehicle without permission who has no prior criminal vehicle theft history, must be sentenced to a minimum term of:

- not less than two days of detention;
- not less than two months of community supervision;
- not less than 30 hours of community restitution; and
- a fine of not less than \$100.

A juvenile offender with one prior criminal vehicle theft conviction, must be sentenced to a minimum term of:

- not less than three days of detention;
- not less than three months of community supervision;
- not less than 45 hours of community restitution; and
- a fine of not less than \$150.

A juvenile offender with two or more prior criminal vehicle theft convictions, must be sentenced to a minimum term of:

- not less than four days of detention;
- not less than four months of community supervision;
- not less than 60 hours of community restitution; and
- a fine of not less than \$200.

A juvenile convicted of an attempt offense involving taking a motor vehicle in the first degree is guilty of a category C offense (instead of a category D offense). Both offenses are punishable by a local sanction for a first-time offender.

Second degree taking a motor vehicle without permission

Adult Offenders. An adult offender convicted of second degree taking a motor vehicle without permission who has no prior criminal vehicle theft history, must be sentenced to a minimum term of:

- not less than 20 days of total confinement;
- not less than 60 days of community custody;
- not less than 30 hours of community restitution; and
- a fine of not less than \$100.

An adult offender with one prior criminal vehicle theft conviction, must be sentenced to a minimum term of:

- not less than 30 days of total confinement;
- not less than 90 days of community custody;
- not less than 45 hours of community restitution; and
- a fine of not less than \$150.

An adult offender with two or more prior criminal vehicle theft convictions, must be sentenced to a minimum term of:

- not less than 80 days of total confinement;
- not less than 120 days of community custody;
- not less than 60 hours of community restitution; and

- a fine of not less than \$200.

The mandatory minimum terms cannot be modified and the convicted offender is not eligible for community custody, earned release time, furlough, home detention, partial confinement, work crews, work release, or any other form of early release.

Juvenile Offenders. A juvenile offender convicted of second degree taking a motor vehicle without permission who has no prior criminal vehicle theft history, must be sentenced to a minimum term of:

- not less than one day of detention;
- not less than one month of community supervision;
- not less than 15 hours of community restitution; and
- a fine of not less than \$50.

A juvenile offender with one prior criminal vehicle theft conviction, must be sentenced to a minimum term of:

- not less than two days of detention;
- not less than two months of community supervision;
- not less than 30 hours of community restitution; and
- a fine of not less than \$150.

A juvenile offender with two or more prior criminal vehicle theft convictions, must be sentenced to a minimum term of:

- not less than three days of detention;
- not less than three months of community supervision;
- not less than 45 hours of community restitution; and
- a fine of not less than \$150.

Possession of Shaved Keys

A person who makes, mends or possesses any shaved key commonly used for the commission of vehicle theft is guilty of possession of shaved keys. The offense of possession of shaved keys is a gross misdemeanor offense. A gross misdemeanor offense is punishable by imprisonment of not more than one year in jail, or by a fine of not more than \$5,000, or both.

Regional Auto Theft Task Forces

A sum of \$7 million is appropriated for the Fiscal Year ending June 30, 2007, from the General Fund to the Washington State Patrol for the purpose of establishing and operating three regional auto theft task forces.

Auto Theft Swat Units

A sum of \$3 million is appropriated for the Fiscal Year ending June 30, 2007, from the General Fund to the Washington State Patrol for the purpose of establishing and operating pro-action auto theft swat units in Washington.

Appropriation: The sum of \$7 million is appropriated for the Fiscal Year ending June 30, 2007, from the General Fund to the Washington State Patrol for the purpose of establishing and operating three regional auto theft task forces.

A sum of \$3 million is appropriated for the Fiscal Year ending June 30, 2007, from the General Fund to the Washington State Patrol for the purpose of establishing and operating pro-action auto theft swat units in Washington.

Fiscal Note: Preliminary fiscal note available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.