

# SENATE BILL REPORT

## SB 6877

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As of February 02, 2006

**Title:** An act relating to crimes against personal property.

**Brief Description:** Modifying provisions relating to crimes against personal property.

**Sponsors:** Senator Kline.

**Brief History:**

**Committee Activity:** Judiciary: 2/02/06.

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### SENATE COMMITTEE ON JUDICIARY

**Staff:** Aldo Melchiori (786-7439)

**Background:** The monetary amounts differentiating the various degrees of property crimes in this state were established in 1975 when the Washington Criminal Code was first established. They have never been adjusted. For comparison, \$250 in 1975 is equivalent to \$936 now and \$1,500 in 1975 dollars is equivalent to \$5,618 now.

Theft in the first degree is a class B felony ranked at level II on the sentencing grid (0-90 days confinement for a first offense). Theft in the second degree is a class C felony ranked at level I on the sentencing grid (0 to 60 days confinement for a first offense). Theft in the third degree is a gross misdemeanor (0 to 12 months confinement).

Trafficking in stolen property in the first degree is committed when a person knowingly initiates, organizes, plans, finances, directs, manages, or supervises the theft of property for sale to others, or who knowingly traffics in stolen property. This is a class B felony ranked at level IV on the sentencing grid (3-9 months confinement for a first offense).

Theft in the first or second degree and trafficking in the first degree are defined as acts of criminal profiteering. If a person commits three or more acts of criminal profiteering, he or she may be subject to the Criminal Profiteering Act. A person who sustains injury, the Attorney General, or a county prosecuting attorney may file a criminal profiteering action. Remedies include injunctive relief, forfeiture of profits and proceeds, up to three times actual damages, and recovery of the costs of the suit including reasonable investigative and attorney's fees.

**Summary of Bill:** Theft, possession of stolen property, malicious mischief, and theft of leased or rental property in the first degree occur if the crimes involve property valued at over \$5,500. Theft, possession of stolen property, malicious mischief, and theft of leased or rental property in the second degree occur if the crimes involve property valued at \$900 to \$5,500. Theft, possession of stolen property, malicious mischief, and theft of leased or rental property in the third degree occur if the crimes involve property valued at up to \$900.

A series of thefts from one or more mercantile establishments over a 180 day period may be aggregated into one count and the sum of the value of all the property is the value considered

in determining the degree of the theft. The aggregated theft count may then be prosecuted in any county in which any of the thefts occurred.

Trafficking in stolen property in the first degree can also be committed when a person commits a series of thefts from one or more mercantile establishments over a 180 day period that have been aggregated into one count.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** The threshold values for committing these crimes should be adjusted periodically to account for inflation. Businesses adjust their prices for inflation, so why shouldn't the criminal code be adjusted as well? Inflation has caused more property offenders to be sentenced to prison than originally intended.

**Testimony Against:** The businesses in Washington are experiencing higher losses due to crime rings from out-of-state. Organized retail theft is being used by drug offenders to maintain their addiction. The bill tells criminal that they can now write bad checks for \$899, rather than \$249, before they risk a prison sentence.

**Who Testified:** PRO: Senator Kline, prime sponsor; Ramona Brandis, WDA and WACDL.

CON: Jan Gee, Washington Retail Association; Steve Gand, Wells Fargo, Walmart, Key Bank; Gary Gardner, BECU.