
**Public Safety & Emergency
Preparedness Committee**

HB 1986

Brief Description: Enhancing the punishment for theft when the damages to the victim greatly exceed the value of the stolen property.

Sponsors: Representatives Warnick, Kretz, Haler, Hinkle, Sump, Orcutt, Newhouse, Lantz, McCune, Armstrong, Kristiansen and Rodne.

Brief Summary of Bill

- Creates a 12-month and one day sentencing enhancement in thefts where the damages to the victim greatly exceed the value of the property stolen.

Hearing Date: 2/26/07

Staff: Jim Morishima (786-7191).

Background:

A person commits Theft if he or she:

- Wrongfully obtains or exerts unauthorized control over the property or services of another with intent to deprive him or her of the property or services; or
- By color or aid of deception, obtains control over the property or services of another with the intent to deprive him or her of the property or services.

A person is guilty of Theft in the first degree if the value of the property exceeds \$1,500 or is taken from the person of the victim. Theft in the first degree is a class B felony with a seriousness level of II.

A person is guilty of Theft in the second degree if: (a) the value of the property exceeds \$250 and is less than \$1,500, (b) the property is a public record, writing, or instrument kept, filed, or deposited according to law or with or in the keeping of any public office or public service, (c) the property is an access device, or (d) the property is a motor vehicle valued less than \$1,500. Theft in the second degree is a class C felony with a seriousness level of I.

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Summary of Bill:

In a prosecution for Theft in the first degree or Theft in the second degree, the prosecutor may file a special allegation of disproportionate impact when sufficient evidence exists that the damage to the victim greatly exceeds the value of the stolen property. The prosecutor has the burden of proving the special allegation beyond a reasonable doubt to the jury (or to the judge, if there is no jury). If the special allegation is proved, an additional 12 months and one day will be added to the standard sentence range for the offense.

Appropriation: None.

Fiscal Note: Available.

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