
**Public Safety & Emergency
Preparedness Committee**

SB 5343

Brief Description: Concerning crimes against property.

Sponsors: Senator Kline.

Brief Summary of Bill

- Increases the dollar threshold values for the property crimes of malicious mischief, theft, unlawful issuance of checks or drafts, theft of rental, leased, or loaned property, and possessing stolen property.
- Expands the list of aggravating circumstances to include offenses constituting theft, unlawful issuance of a check or draft, or forgery that equates to a total monetary value of over \$200,000.

Hearing Date: 2/29/08

Staff: Yvonne Walker (786-7841).

Background:

The penalties for property crimes are generally based on the actual dollar value of the property stolen or damaged.

Malicious Mischief. A person who knowingly and maliciously causes physical damage to the property of another is guilty of malicious mischief. The degree of the crime depends, in part, on the value of the property destroyed. If the property has a value of over \$1,500, the person is guilty of malicious mischief in the first degree, a seriousness level II, class B felony offense. If the property has a value of over \$250, but not exceeding \$1,500, the person is guilty of malicious mischief in the second degree, a seriousness level I, class C felony offense. If the property has a value exceeding \$50, but not over \$250, the person is guilty of malicious mischief in the third degree, a gross misdemeanor offense. If the property has a value of \$50 or less than the person is guilty of malicious mischief in the third degree, a misdemeanor offense.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Theft. A person who steals property or services is guilty of theft. The degree of the crime depends, in part, on the value of the property or services stolen. If the property or services has a value of over \$1,500, the person is guilty of theft in the first degree, a seriousness level II, class B felony offense. If the property or services has a value of over \$250, but not exceeding \$1,500, the person is guilty of theft in the second degree, a seriousness level I, class C felony offense. If the property or services has a value of \$250 or less, the person is guilty of theft in the third degree, a gross misdemeanor offense.

Unlawful Issuance of Checks or Drafts. A person who intentionally defrauds, makes, draws, or delivers to another person a bank check, knowing that he or she does not have sufficient funds or credit with a bank, is guilty of unlawful issuance of checks or drafts. When a series of transactions which constitute unlawful issuance of a bank check would, when considered separately, constitute unlawful issuance of a bank check in an amount of \$250 or less, because of value, and the series of transactions are a part of a common scheme or plan, the transactions may be aggregated in one count and the sum of the value of all the transactions must be the value considered in determining the penalty for the crime. If the total value of all the transactions has a value greater than \$250, the person is guilty of a seriousness level I, class C felony offense. If the total value of all the transactions has a value of \$250 or less, the person is guilty of a gross misdemeanor offense.

Theft of Rental, Leased, Lease-Purchased, or Loaned Property. A person if he or she with intent to deprive the owner, wrongfully obtains, exerts, or deceitfully gains control of personal property that is rented, leased, or loaned by written agreement to the person. Theft of rental, leased, lease-purchase, or loaned property is a: seriousness level II, class B felony offense, if the property is valued at \$1,500 or more; seriousness level I, class C felony offense, if the property is valued at \$250 or more, but less than \$1,500; and a gross misdemeanor offense if the rental, leased, or lease-purchased property is valued at less than \$250.

Possessing Stolen Property. A person who knowingly receives, retains, possesses, conceals, or disposes of stolen property (other than a firearm or motor vehicle) knowing that it has been stolen is guilty of possessing stolen property. Possessing stolen property is a: seriousness level II, class B felony offense, if the value of the stolen property exceeds \$1,500 in value; seriousness level I, class C felony offense, if the value of the property stolen exceeds \$250 in value, but does not exceed \$1,500 in value; and a gross misdemeanor offense if the value of the stolen property does not exceed \$250 in value.

Aggravating Factors. The standard sentencing range is presumed to be appropriate for the typical felony case. However, the law provides that in exceptional cases, a court has the discretion to depart from the standard range and may impose an exceptional sentence below the standard range (with a mitigating circumstance) or above the range (with an aggravating circumstance). The Sentencing Reform Act (SRA) provides a list of factors that a court may consider in deciding whether to impose an exceptional sentence outside of the standard range. Some of the illustrative aggravating factors provided by the SRA include: behavior that manifested deliberate cruelty to a victim; vulnerability of a victim; sexual motivation on the part of the defendant; and an ongoing pattern of multiple incidents of abuse to a victim.

Summary of Bill:

The monetary threshold values for property crimes are increased.

Malicious Mischief. The monetary threshold values for the malicious mischief crimes are increased. If the property damaged has a value of over \$5,000, the person is guilty of malicious mischief in the first degree. If the property damaged has a value of over \$750, but not exceeding \$5,000, the person is guilty of malicious mischief in the second degree. If the property damaged has a value of less than \$750, the person is guilty of malicious mischief in the third degree, a gross misdemeanor offense.

Theft. The threshold values for theft crimes are increased. If the property or services stolen has a value of over \$5,000, the person is guilty of theft in the first degree. If the stolen property or services has a value of over \$750, but not exceeding \$5,000, the person is guilty of theft in the second degree. If the stolen property or services has a value of \$750 or less, the person is guilty of theft in the third degree.

Unlawful Issuance of Checks or Drafts. The threshold values for the unlawful issuance of checks or draft crimes are increased. A person is guilty of a class C felony offense if the total value of all the transactions is greater than \$750. If the total value of all the transactions has a value of \$750 or less, the person is guilty of a gross misdemeanor offense.

Theft of Rental, Leased, Lease-Purchased, or Loaned Property. The threshold values for the theft of rental, leased, lease-purchase, or loaned property are increased. Theft of rental, leased, lease-purchase, or loaned property is a: class B felony offense if the property is valued at \$5,000 or more; class C felony offense if the property is valued at \$750, but less than \$5,000; and a gross misdemeanor offense if the rental, leased, or lease-purchased property is valued at less than \$750.

Possessing Stolen Property. The threshold value for possessing stolen property crimes are increased. A person is guilty of the following: possessing stolen property in the first degree if the value of the stolen property exceeds \$5,000 in value; possessing stolen property in the second degree if the value of the property stolen exceeds \$750 in value, but does not exceed \$5,000 in value; possessing stolen property in the third degree if the value of the stolen property does not exceed \$750 in value.

Aggravating Factors. The list of aggravating factors in the SRA is expanded to include any offense where a single or aggregated series of offenses constituting theft, unlawful issuance of a check or draft, or forgery equates to a total monetary value of over \$200,000.

Appropriation: None.

Fiscal Note: Requested on February 28, 2008.

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