

SENATE BILL REPORT

SB 5343

As Passed Senate, February 18, 2008

Title: An act relating to crimes against property.

Brief Description: Concerning crimes against property.

Sponsors: Senator Kline.

Brief History:

Committee Activity: Judiciary: 1/09/07, 2/23/07 [DP, DNP].

Passed Senate: 2/18/08, 26-22.

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Kline, Chair; Tom, Vice Chair; Hargrove, Murray and Weinstein.

Minority Report: Do not pass.

Signed by Senators Carrell and Roach.

Staff: Lidia Mori (786-7755)

Background: The monetary amounts differentiating the various degrees of property crimes in this state were established in 1975 when the Washington Criminal Code was adopted. They have never been adjusted. For comparison purposes, \$250 in 1975 is equivalent to approximately \$930 now and \$1,500 in 1975 is equivalent to over \$5,600 now.

A person is guilty of malicious mischief in the first degree if he or she knowingly and maliciously causes physical damage to the property of another in an amount exceeding \$1,500. Malicious mischief in the second degree is committed when a person knowingly and maliciously causes physical damage to the property of another in an amount exceeding \$250. Malicious mischief in the third degree is a gross misdemeanor if the damage to the property is more than \$50 and it is a misdemeanor if the damage is \$50 or less.

Theft in the first degree is committed when a person commits theft of property or services which exceed \$1,500 in value. A person is guilty of theft in the second degree if he or she commits theft of property or services which exceed \$250 in value but not \$1,500. It also includes theft of a motor vehicle of a value less than \$1500. Theft in the third degree is committed when a person commits theft of property or services which does not exceed \$250 in value.

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.

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 \$5,000. 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 \$751 to \$5000. 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 \$750. Unlawful issuance of a bank check is a gross misdemeanor if it was for less than \$750 and a class C felony if it was for \$751 or more.

If an offender is being sentenced for a single or aggregated series of offenses constituting theft, unlawful issuance of a check or draft, or forgery with a total monetary value over \$200,000, then the top of the standard sentencing range is the statutory maximum penalty for the crime under RCW 9A.20.021.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: The values addressed in this bill affect what prosecutors do. This bill merely involves an inflationary change, it does not affect the substance of the crimes. The bill will cause these types of cases to move to district court from superior court. Theft is the offense that people are most commonly convicted of. Having these cases in district court will be result in swifter justice and a cost savings. Now is the time to make this change, it has been 30 years since these values were updated. In superior court, these types of crimes look less serious compared to the offenses that are typical in superior court. However, in district court, they will likely be dealt with more strictly because, in comparison to a speeding ticket, they are very serious.

CON: The loss prevention people say that by raising the limit, the well organized thieves will steal up to that new amount. WalMart prosecutes for \$50 or more. Losses are huge, the retail industry loses 27 billion nationally each year from theft outside the store. If the limit is raised to \$750, they will steal right up to that amount. More and more often, these crimes are being committed by gang rings or boosters. There is no benefit to retailers from raising the limits.

Persons Testifying: PRO: Tom McBride, Washington Association of Prosecuting Attorneys.

CON: Mark Johnson, Steve Gano, Washington Retail Association.