

HOUSE BILL REPORT

SB 6108

As Passed House:
February 27, 2012

Title: An act relating to clarifying the location at which the crime of theft of rental, leased, lease-purchased, or loaned property occurs.

Brief Description: Clarifying the location at which the crime of theft of rental, leased, lease-purchased, or loaned property occurs.

Sponsors: Senators Harper and Fain.

Brief History:

Committee Activity:

Public Safety & Emergency Preparedness: 2/17/12, 2/21/12 [DP].

Floor Activity:

Passed House: 2/27/12, 96-0.

Brief Summary of Bill

- Clarifies the location at which the crime of Theft of Rental, Leased, Lease-Purchased, or Loaned Property occurs.

HOUSE COMMITTEE ON PUBLIC SAFETY & EMERGENCY PREPAREDNESS

Majority Report: Do pass. Signed by 11 members: Representatives Hurst, Chair; Ladenburg, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton, Armstrong, Goodman, Hope, Kirby, Moscoso and Ross.

Staff: Yvonne Walker (786-7841).

Background:

A person is guilty of Theft of Rental, Leased, Lease-Purchased, or Loaned Property if he or she intentionally, wrongfully obtains, exerts unauthorized control over, or deceitfully gains control of personal property that is rented, leased, or loaned by written agreement from another person.

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.

Intent to deprive an owner of his or her property can be found when: (1) the renter fails to return or make arrangements acceptable to the owner of the property or the owner's agent to return the property within 72 hours after receipt of proper notice following the due date of the agreement; or (2) the renter, lessee, or borrower presented identification to the owner or the owner's agent that was materially false, fictitious, or not current with respect to name, address, place of employment, or other appropriate items.

"Proper notice" consists of a written demand by the owner or the owner's agent made after the due date of the rental, leased, lease-purchase, or loan period, mailed by certified or registered mail to the renter, lessee, or borrower at: (1) the address the renter, lessee, or borrower gave when the contract was made; or (2) the renter, lessee, or borrower's last known address if later furnished in writing by the renter, lessee, borrower, or the agent of the renter, lessee, or borrower.

The classification for the crime of Theft of Rental, Leased, Lease-Purchased, or Loaned Property is based upon the replacement value of the property. Theft of Rental, Leased, Lease-Purchased, or Loaned Property is a: seriousness level II, class B felony offense if the rental, leased, lease-purchased, or loaned property is valued at \$5,000 or more; seriousness level I, class C felony offense if the rental, leased, lease-purchased, or loaned property is valued at least \$750 but less than \$5,000; and a gross misdemeanor offense if the rental, leased, lease-purchased, or loaned property is valued at less than \$750.

Summary of Bill:

The location where a person is deemed to have committed the crime of Theft of Rental, Leased, Lease-Purchased, or Loaned Property is either at the physical location where the written agreement for the rental, leased, lease-purchase, or loan of the property was executed or at the address where proper notice may be mailed to the renter, lessee, or borrower.

Appropriation: None.

Fiscal Note: Not requested.

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

Staff Summary of Public Testimony:

(In support) This bill addresses an area of the statute that is currently vague as it relates to jurisdiction. There is a question on how to charge a person with the intent of theft in the county where the agreement was signed. This bill clarifies that the jurisdiction where the rental agreement was signed has jurisdiction over charging the perpetrator with the crime of Theft. This is strictly a clarification bill on where the intent for the crime of Theft is formed. This clears up some vagueness in the statute.

(Opposed) None.

Persons Testifying: Senator Harper, prime sponsor; and Doug Levy, City of Kent.

Persons Signed In To Testify But Not Testifying: None.