

# SENATE BILL REPORT

## 2SHB 1507

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As Reported by Senate Committee On:  
Judiciary, March 16, 2011

**Title:** An act relating to crimes against pharmacies.

**Brief Description:** Concerning robberies of pharmacies.

**Sponsors:** House Committee on General Government Appropriations & Oversight (originally sponsored by Representatives Ladenburg, Klippert, Hurst, Ross, Hope, Armstrong, Kirby, Warnick, Johnson and Kelley).

**Brief History:** Passed House: 3/01/11, 95-2.

**Committee Activity:** Judiciary: 3/15/11, 3/16/11 [DP, w/oRec].

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass.

Signed by Senators Kline, Chair; Pflug, Ranking Minority Member; Baxter, Carrell, Hargrove, Kohl-Welles and Roach.

**Minority Report:** That it be referred without recommendation.

Signed by Senator Harper, Vice Chair.

**Staff:** Lidia Mori (786-7755)

**Background:** Robbery is committed when a person unlawfully takes personal property from or in the presence of another person against that person's will by use or threatened use of immediate force, violence, or fear of injury to a person or property. A person is guilty of Robbery in the first degree if:

- the person is armed with a deadly weapon, displays an apparent firearm or deadly weapon, or inflicts bodily injury during the robbery or immediate flight from the robbery; or
- the person commits robbery within and against a financial institution.

Robbery in the first degree is a class A felony with a seriousness level of IX. The definition of most serious offense includes Robbery in the first and second degree. A person who has been convicted of three most serious offenses is a persistent offender and may be sentenced to life in prison without the possibility of release.

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*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.*

A pharmacy is defined as every place licensed by the Board of Pharmacy where the practice of pharmacy is conducted, including dispensing drugs, monitoring drug therapy and use, and providing information on legend drugs.

**Summary of Bill:** A person is guilty of Robbery in the first degree if the person commits robbery of a pharmacy. Only the portion of the building or store that is licensed by the Board of Pharmacy constitutes a pharmacy for purposes of Robbery in the first degree.

**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: People who commit this crime aren't thinking straight due to their addiction. This bill is about community safety and safety for pharmacy workers. Bank robbers target banks because that's where the money is, pharmacy robbers target pharmacies because that's where the drugs are. This bill does what the Legislature did in 2002 with bank robberies. It recognizes that robbery of a pharmacy is different in every respect from other second degree robberies. These people are dangerous and they put people at risk. It is well understood on the street that pharmacies are an easy mark and that in the pharmacies are very valuable things, actually better than money if you are in the drug trade. Street price for oxycontin, which is the drug of choice, is a dollar per milligram. If you have an 80 milligram pill, that's \$80 on the street. If you grab a big bag of those, you're doing better than if you had gone into the bank next door. When the Legislature raised robbery 2, which has a three to nine month standard range, to robbery 1, which has a three-year standard range, bank robberies fell by half. We could expect the same thing to happen with pharmacy robberies. In 2007 when this Legislature raised the penalties for auto theft, King County went from 6th in the nation in rate of auto theft to 37th in just two years. These offenders are serial robbers; they will continue until they are caught. We've had 227 pharmacy robberies from 2008 to yesterday. We operate 1200 pharmacies in Washington so this means one out of six has been robbed. Penalties are too low now. The federal prosecutions for pharmacy robberies continue to decrease; prescription drug abuse continues to increase, with younger people becoming addicted. Washington is having more unintentional deaths due to pharmaceutical deaths than with illegal drugs. A first offense for unarmed robbery gets three to nine months, but under this bill, the person would get 31 to 41 months.

CON: This bill takes away the incentive to not use a weapon for people who are desperate and have a drug problem. A firearm enhancement won't deter someone who knows they're looking at robbery in the first degree. Please think carefully about what is already covered in the law. We don't like to see enhancements for certain crimes when current law already covers the behavior. It is two very different things for someone to demand something in a robbery and point a gun versus making the demand and not using a weapon.

**Persons Testifying:** PRO: Representative Ladenberg, prime sponsor; Dan Satterberg, King County prosecuting attorney; Jason Moulton, Safeway; Stu Halsan, Rite Aid Corporation.

CON: Cynthia Jones, WA Assn. of Criminal Defense Lawyers, WA Defender Assn.