

SENATE BILL REPORT

SHB 2354

As Reported by Senate Committee On:
Judiciary, February 22, 2012

Title: An act relating to adding trafficking in stolen property in the first and second degrees to the six-year statute of limitations provisions.

Brief Description: Adding trafficking in stolen property in the first and second degrees to the six-year statute of limitations provisions.

Sponsors: House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Orwall, Asay, Hurst, Upthegrove, Armstrong, Ladenburg and Kenney).

Brief History: Passed House: 2/09/12, 97-0.

Committee Activity: Judiciary: 2/17/12, 2/22/12 [DP].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Kline, Chair; Harper, Vice Chair; Pflug, Ranking Minority Member; Carrell, Hargrove, Kohl-Welles, Padden, Regala and Roach.

Staff: Juliana Roe (786-7438)

Background: Statutes of limitations are legislative declarations of the period after the commission or discovery of an offense within which actions may be brought on certain claims or during which certain crimes may be prosecuted. Once a statute of limitations has expired, there is an absolute bar to prosecution.

Statutes of limitations vary according to the crime. In general, simple misdemeanors must be prosecuted within one year, gross misdemeanors must be prosecuted within two years, and felony offenses must be prosecuted within three years of the commission of the crime. However, the limitation period may vary by statute, and there is no limitation on the time within which a prosecution must commence for the crimes of murder, homicide by abuse, vehicular homicide, or for the crimes of vehicular assault, hit-and-run injury-accident, or arson, if death results.

If no period of limitation is statutorily declared for a felony offense, no prosecution may be commenced more than three years after its commission. A person is guilty of trafficking in

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stolen property in the first degree if the person knowingly initiates, organizes, plans, finances, directs, manages, or supervises the theft of property for sale to others or knowingly traffics in stolen property.

Trafficking stolen property in the first degree is a seriousness level IV, class B felony offense. Trafficking in stolen property in the second degree occurs when a person recklessly traffics in stolen property. Trafficking stolen property in the second degree is a seriousness level III, class C felony offense.

There is no statutorily declared statute of limitations for the crime of trafficking in stolen property. Accordingly, a prosecution for this offense must be commenced within three years of its commission.

Summary of Bill: The statutes of limitations for trafficking in stolen property is six years for offenses that involve a motor vehicle or motor vehicle parts. A prosecution may be commenced up to six years after commission of the offense or after discovery of the offense, whichever is later.

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: Auto theft is a big issue in this state. The cases are complex and auto rings are very sophisticated. Law enforcement needs more time to do this work. They spend a great amount of time and money investigating them, so they should have more time to complete the investigation.

There are more pieces of a car that can be traced than you would think. There are identifying stickers and numbers on numerous car parts.

Persons Testifying: PRO: Representative Orwall, prime sponsor; Jo Arlow, WA Assn. of Sheriffs and Police Chiefs.