

SENATE BILL REPORT

SB 5154

As Reported by Senate Committee On:
Judiciary, February 1, 2011

Title: An act relating to vehicle prowling.

Brief Description: Modifying vehicle prowling provisions.

Sponsors: Senators Harper, Kline, Pflug, Hobbs, Ericksen, Rockefeller, Nelson and Roach.

Brief History:

Committee Activity: Judiciary: 1/25/11, 2/01/11 [DPS].

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 5154 be substituted therefor, and the substitute bill do pass.

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

Staff: Lidia Mori (786-7755)

Background: A person commits the crime of vehicle prowling in the second degree when that person enters or remains unlawfully in a vehicle with the intent to commit a crime against a person or property inside. It is first degree vehicle prowling if a person enters or remains unlawfully in a motor home or vessel equipped for propulsion by mechanical means or by sail which has a cabin equipped with permanently installed sleeping quarters or cooking facilities and the person intends to commit a crime against a person or property inside.

Vehicle prowling in the second degree is a gross misdemeanor. The punishment for a gross misdemeanor is up to one year imprisonment in the county jail or a fine of not more than \$5,000 or both the imprisonment and the fine.

For purposes of sentencing, if a person is convicted of theft of a motor vehicle and the person has prior convictions for vehicle prowling in the second degree, the person will get one point for each prior conviction of vehicle prowling in the second degree. This will result in the person receiving a higher sentence when he or she is sentenced for the motor vehicle theft.

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: The bill as referred to committee not considered.

Summary of Bill (Recommended Substitute): A conviction of vehicle prowling in the second degree is a class C felony if the person has two or more prior convictions for vehicle prowling in the second degree. It is ranked at seriousness level V on Table I of the sentencing grid.

EFFECT OF CHANGES MADE BY JUDICIARY COMMITTEE (Recommended Substitute as Passed Committee): It is clarified that upon conviction of a third or subsequent offense of vehicle prowling in the second degree, it is a class C felony.

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 on Proposed Substitute as Heard in Committee:
PRO: In 2005 and 2006, Everett had a huge auto theft problem and we worked to enhance penalties for auto theft. Due to the enhancements, our auto theft went down 30 percent, but vehicle prowl went up 33 percent. It happens the most often at holidays and at shopping malls. It also affects the poor and disenfranchised because they park their cars on the streets. They get up in the morning only to find that their car's been vandalized. All these offenders get is a gross misdemeanor. These people prowl 20 - 30 cars a night. Usually they are stealing in order to take care of their substance abuse problem. They break into a car and within half an hour, they're using the stolen credit card or casing a house to be burglarize it. Often a person's \$1,500 car is their palace; it's all they can afford. Higher ups enlist a crew, transport them to a neighborhood, and tell them to prowl the cars and bring back the goods. These offenders know if they commit car theft, they're going to get a stiff sentence, so instead they just steal from cars.

Persons Testifying: PRO: Jim Scharf, Everett Police Dept.; Walter Sowa, Snohomish County Prosecutor's Office.