

SENATE BILL REPORT

ESSB 5154

As Passed Senate, February 14, 2012

Title: An act relating to vehicle prowling.

Brief Description: Modifying vehicle prowling provisions.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Harper, Kline, Pflug, Hobbs, Ericksen, Rockefeller, Nelson and Roach).

Brief History:

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

Passed Senate: 3/02/11, 49-0; 2/14/12, 48-0.

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: Aldo Melchiori (786-7439)

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. Vehicle prowling in the second degree is a gross misdemeanor (up to 364 days of confinement and/or a fine of up to \$5,000).

It is vehicle prowling in the first degree 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 first degree is a class C felony ranked at level I on the sentencing grid (0-60 days and/or a \$10,000 fine for a first offense).

Theft of a motor vehicle is a class B felony ranked at level II on the sentencing grid (0-90 days and/or a \$20,000 fine for the first offense). If a person is convicted of theft of a motor vehicle and the person has current or prior convictions for vehicle prowling in the second

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degree, the person will get one point for each conviction of vehicle prowling in the second degree, resulting in a longer sentence.

Summary of Engrossed Substitute Bill: A conviction of vehicle prowling in the second degree is a class C felony, rather than a gross misdemeanor, if the person has two or more prior convictions for vehicle prowling in the second degree. It is ranked at level V on the sentencing grid (six to 12 months for a first felony offense) and/or a \$10,000 fine.

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.