

# SENATE BILL REPORT

## SB 6108

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As of January 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:** Judiciary: 1/26/12.

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### SENATE COMMITTEE ON JUDICIARY

**Staff:** Juliana Roe (786-7438)

**Background:** A person commits the crime of theft of a rental, leased, lease-purchased, or loaned property if the person, with intent to deprive the owner or owner's agent, wrongfully obtains or exerts unauthorized control over, or by deception gains control over personal property that is rented, leased, or loaned by written agreement to the person. This applies to rental agreements that provide that a renter may return the property at any time within the rental period and pay only for the time the renter retained the property in addition to a minimum rental fee.

Intent can be found when the renter fails to return or make arrangements with the owner to return the property within 72 hours after receipt of proper notice, or when the renter presented identification to the owner that is materially false, fictitious, or not current with respect to name, address, place of employment, or other appropriate items.

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

The classification of this crime is dependent upon the replacement value of the property. It is a class B felony if the property is valued at \$5,000 or more, a class C felony if the property is

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valued between \$750 and \$5,000, and a gross misdemeanor if the property is valued at less than \$750.

**Summary of Bill:** The location at which a person is deemed to have committed the crime of theft of rental, leased, lease-purchased, or loaned property is either at the: (1) physical location where the written agreement was executed; or (2) address at which the proper notice may be mailed to the renter, lessee, or borrower.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**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: This bill is designed to clear up the ambiguities that exist under the current law. Right now, jurisdiction as to where a case can be filed is unclear. The bill will allow a case to be filed either at the location at which the agreement was entered or at the person's address. It is a technical fix.

**Persons Testifying:** PRO: Senator Harper, prime sponsor; Julie Storms, City of Kent.