

SENATE BILL REPORT

SB 6143

As Reported by Senate Committee On:
Judiciary, February 1, 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: Senators Eide, Litzow, Haugen and Hobbs.

Brief History:

Committee Activity: Judiciary: 1/31/12, 2/01/12 [DPS].

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 6143 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Harper, Vice Chair; Pflug, Ranking Minority Member; 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 be varied 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 (Recommended Substitute): The statutes of limitations for trafficking in stolen property is six years for offenses that involve a motor vehicles 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.

EFFECT OF CHANGES MADE BY JUDICIARY COMMITTEE (Recommended Substitute): The statute of limitations for trafficking in stolen property offenses is extended to six years for those offenses related to motor vehicles or motor vehicle parts.

Appropriation: None.

Fiscal Note: Requested on January 17, 2012.

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 Original Bill: PRO: This bill is one of the Washington Association of Sheriffs and Police Chiefs (WASPC) agenda items for the session. We want to combat increases in auto theft. This bill is designed to add these two crimes to the statute of limitations for six years like other property crimes listed in the statute. It is designed to get at the folks in auto theft rings. I'd like to mention that the House has an amendment that limits the bill to motor vehicles or major components of motor vehicles. There was concern about fiscal impact.

Trafficking is a lucrative business, especially when some engines alone can be worth more than \$10,000. These crimes can go on for years before they are discovered. As criminals evolve, it is incumbent that we implement this bill so criminals do not get a free ride. The bill provides law enforcement and prosecutors more time to prosecute these crimes so that criminals don't benefit from victims losses. In the past 18 months, we have been unable to prosecute about five cases because the statute of limitations has run out. We are targeting repeat and prolific thieves.

Persons Testifying: PRO: Jo Arlow, WASPC; Ty Sagiao, South King County Auto Theft Task Force; Brain J. Wilson, Federal Way Police, South King County Auto Theft Task Force.