

SENATE BILL REPORT

ESSB 6280

As Passed Senate, February 14, 2012

Title: An act relating to crimes against pharmacies.

Brief Description: Concerning crimes against pharmacies.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Carrell, Swecker, Conway, Holmquist Newbry and Parlette).

Brief History:

Committee Activity: Judiciary: 1/24/12, 2/01/12, 2/02/12 [DPS].

Passed Senate: 2/14/12, 48-0.

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 6280 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Harper, Vice Chair; Carrell, Hargrove, Kohl-Welles, Padden and Regala.

Staff: Aldo Melchiori (786-7439)

Background: A person commits the crime of robbery if the person, unlawfully and with intent to commit a theft, takes personal property from a victim or in the presence of the victim and against the victim's will, by the use or threatened use of immediate force, violence, or fear of injury to the victim or the victim's property. A threat to use immediate force or violence may be either expressed or implied. The force or fear must be used to obtain or retain possession of the property or to prevent or overcome resistance to the taking.

It is robbery in the first degree when in the commission of the robbery or in immediate flight, the person is armed with a deadly weapon or displays what appears to be a firearm or other deadly weapon, inflicts bodily injury, or commits a robbery within and against a financial institution. Robbery in the first degree is a class A felony ranked at level IX on the sentencing grid, and it results in 78 to 102 months incarceration and/or a \$50,000 fine for a first offense. It is also a most serious offense and counts as a prior offense under the persistent offender sentencing provisions.

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 Engrossed Substitute Bill: An additional 12 months must be added to the standard sentence range for a defendant convicted of robbery in the first degree or robbery in the second degree if there has been a special allegation pleaded and proven beyond a reasonable doubt that the defendant committed a robbery of a pharmacy.

A pharmacy is a place licensed by the Board of Pharmacy where the practice of pharmacy is conducted.

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 Original Bill: PRO: This is a significant issue because pharmacies have drugs that are in high demand by criminals. It is a matter of public safety because many pharmacies are located in stores that are crowded with customers. Pharmacies are the new banks because what is behind the counter is as valuable as money. This is not just theft, it is a violent crime. The pharmacy is the portion of the store behind the pharmacy counter and separated from the rest of the store. We need to make the punishment more serious than the rewards for committing the crime. Washington has a higher rate of pharmacy robberies than other states.

CON: Robbery with a weapon is much more serious than a robbery without one, but this change would treat the two the same. As a result, criminals will have a minimal incentive not to commit the robbery while armed. The unintended consequence may be to cause more pharmacy robberies with weapons.

Persons Testifying: PRO: Senator Carrell, prime sponsor; Dan Satterberg, King County Prosecutor; Stu Holsten, Rite Aid Corp.; Debi Hitchens, WA State Pharmacy Assn.; Don Pierce, WA Assn. of Sheriffs and Police Chiefs.

CON: Bob Cooper, WA Defender Assn., WA Assn. of Criminal Defense Lawyers.