

CERTIFICATION OF ENROLLMENT

SENATE BILL 6108

62nd Legislature
2012 Regular Session

Passed by the Senate February 11, 2012
YEAS 48 NAYS 0

President of the Senate

Passed by the House February 27, 2012
YEAS 96 NAYS 0

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6108** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 6108

Passed Legislature - 2012 Regular Session

State of Washington 62nd Legislature 2012 Regular Session

By Senators Harper and Fain

Read first time 01/11/12. Referred to Committee on Judiciary.

1 AN ACT Relating to clarifying the location at which the crime of
2 theft of rental, leased, lease-purchased, or loaned property occurs;
3 and amending RCW 9A.56.096.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 9A.56.096 and 2009 c 431 s 11 are each amended to read
6 as follows:

7 (1) A person who, with intent to deprive the owner or owner's
8 agent, wrongfully obtains, or exerts unauthorized control over, or by
9 color or aid of deception gains control of personal property that is
10 rented, leased, or loaned by written agreement to the person, is guilty
11 of theft of rental, leased, lease-purchased, or loaned property.

12 (2) The finder of fact may presume intent to deprive if the finder
13 of fact finds either of the following:

14 (a) That the person who rented or leased the property failed to
15 return or make arrangements acceptable to the owner of the property or
16 the owner's agent to return the property to the owner or the owner's
17 agent within seventy-two hours after receipt of proper notice following
18 the due date of the rental, lease, lease-purchase, or loan agreement;
19 or

1 (b) That the renter, lessee, or borrower presented identification
2 to the owner or the owner's agent that was materially false,
3 fictitious, or not current with respect to name, address, place of
4 employment, or other appropriate items.

5 (3) As used in subsection (2) of this section, "proper notice"
6 consists of a written demand by the owner or the owner's agent made
7 after the due date of the rental, lease, lease-purchase, or loan
8 period, mailed by certified or registered mail to the renter, lessee,
9 or borrower at: (a) The address the renter, lessee, or borrower gave
10 when the contract was made; or (b) the renter, lessee, or borrower's
11 last known address if later furnished in writing by the renter, lessee,
12 borrower, or the agent of the renter, lessee, or borrower.

13 (4) The replacement value of the property obtained must be utilized
14 in determining the amount involved in the theft of rental, leased,
15 lease-purchased, or loaned property.

16 (5)(a) Theft of rental, leased, lease-purchased, or loaned property
17 is a class B felony if the rental, leased, lease-purchased, or loaned
18 property is valued at five thousand dollars or more.

19 (b) Theft of rental, leased, lease-purchased, or loaned property is
20 a class C felony if the rental, leased, lease-purchased, or loaned
21 property is valued at seven hundred fifty dollars or more but less than
22 five thousand dollars.

23 (c) Theft of rental, leased, lease-purchased, or loaned property is
24 a gross misdemeanor if the rental, leased, lease-purchased, or loaned
25 property is valued at less than seven hundred fifty dollars.

26 (6) The crime of theft of rental, leased, lease-purchased, or
27 loaned property may be deemed to have been committed either at the
28 physical location where the written agreement for the rental, lease,
29 lease-purchase, or loan of the property was executed under subsection
30 (1) of this section, or at the address where proper notice may be
31 mailed to the renter, lessee, or borrower under subsection (3) of this
32 section.

33 (7) This section applies to rental agreements that provide that the
34 renter may return the property any time within the rental period and
35 pay only for the time the renter actually retained the property, in
36 addition to any minimum rental fee, to lease agreements, to lease-
37 purchase agreements as defined under RCW 63.19.010, and to vehicles
38 loaned to prospective purchasers borrowing a vehicle by written

1 agreement from a motor vehicle dealer licensed under chapter 46.70 RCW.
2 This section does not apply to rental or leasing of real property under
3 the residential landlord-tenant act, chapter 59.18 RCW.

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