
Public Safety Committee

ESB 5053

Brief Description: Modifying vehicle prowling provisions.

Sponsors: Senators Harper, Tom, Roach, Murray, Kohl-Welles, Eide, Carrell and Shin.

<p style="text-align: center;">Brief Summary of Engrossed Bill</p> <ul style="list-style-type: none">Increases the penalty for the crime of Vehicle Prowling in the second degree from a gross misdemeanor to a class C felony on the offender's third or subsequent offense.
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Hearing Date: 3/5/13

Staff: Yvonne Walker (786-7841).

Background:

A person is guilty of Vehicle Prowling in the second degree if, with intent to commit a crime against a person or property, he or she enters or remains unlawfully in a vehicle, other than a motor home or a vessel. Vehicle Prowling in the second degree is a gross misdemeanor offense. A gross misdemeanor offense is punishable by a sentence of up to 364 days in jail or a maximum fine of \$5,000, or both imprisonment and a fine.

Generally, gross misdemeanor offenses do not count as part of an offender's score when calculating his or her standard sentence range. However, in the case of multiple prior convictions for the purpose of computing an offender's score, if the present conviction is for an offense involving Theft of a Motor Vehicle, Possession of a Stolen Motor Vehicle, or Taking a Motor Vehicle without Permission, an offender receives:

- one point for each prior conviction involving Vehicle Prowling in the second degree; and
- three points for each prior conviction involving Theft of a Motor Vehicle, Possession of a Stolen Motor Vehicle, or Taking a Motor Vehicle without Permission.

The statutory maximum sentence for a class C felony offense is five years in prison and a \$10,000 fine.

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 Bill:

On the third and subsequent convictions, the crime of Vehicle Prowling in the second degree is increased to a seriousness level V, class C felony offense. A third or subsequent conviction means that a person has been previously convicted on at least two separate occasions of Vehicle Prowling in the second degree. Multiple counts of a Vehicle Prowling offense do not count as separate offenses for the purposes of charging as a felony offense if: (1) the multiple counts of the Vehicle Prowling offenses are charged in the same charging document; or (2) the multiple counts of Vehicle Prowling offenses are based on the same date of occurrence.

Appropriation: None.

Fiscal Note: Available on original bill.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.