

# HOUSE BILL REPORT

## SB 5149

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**As Passed House:**  
April 15, 2013

**Title:** An act relating to crimes against pharmacies.

**Brief Description:** Concerning crimes against pharmacies.

**Sponsors:** Senators Carrell, Conway, Padden, Pearson, Braun, Dammeier and Parlette.

**Brief History:**

**Committee Activity:**

Public Safety: 3/20/13, 4/2/13 [DP].

**Floor Activity:**

Passed House: 4/15/13, 93-4.

**Brief Summary of Bill**

- Creates a one year sentencing enhancement for a person convicted of a robbery offense committed against a pharmacy.

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### HOUSE COMMITTEE ON PUBLIC SAFETY

**Majority Report:** Do pass. Signed by 8 members: Representatives Goodman, Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Holy, Moscoso, Pettigrew, Ross and Takko.

**Minority Report:** Do not pass. Signed by 2 members: Representatives Roberts, Vice Chair; Appleton.

**Staff:** Yvonne Walker (786-7841).

**Background:**

Robbery is unlawfully taking personal property from or in the presence of another person against his or her will by use or threatened use of immediate force, violence, or fear of injury to a person or property.

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*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.*

A person is guilty of Robbery in the first degree if:

- the person is armed with a deadly weapon, displays an apparent firearm or other deadly weapon, or inflicts bodily injury during the robbery or immediate flight from the robbery; or
- the person commits robbery within and against a financial institution.

Robbery in the first degree is a seriousness level IX, class A felony offense. Robbery in the second degree is a seriousness level IV class B felony offense.

A "pharmacy" is defined as every place licensed by the Board of Pharmacy where the practice of pharmacy is conducted, including dispensing drugs, monitoring drug therapy and use, and providing information on legend drugs.

#### Sentencing Enhancements.

Under the Sentencing Reform Act, the court must impose imprisonment in addition to the standard sentencing range (an enhanced sentence) if specific conditions for sentencing enhancements are met. Sentencing enhancements generally apply in such circumstances as where the offender: (1) was armed with a firearm while committing certain felonies; (2) was armed with a deadly weapon while committing certain felonies; (3) committed certain felonies while incarcerated; (4) committed certain drug offenses; (5) committed Vehicular Homicide while under the influence of alcohol or drugs; or (6) committed a felony crime that was committed with sexual motivation.

The United States Supreme Court, in *Blakely v. Washington*, ruled that any factor that increases a defendant's sentence above the standard range, other than the fact of a prior conviction, must be proven to a jury beyond a reasonable doubt. To do otherwise would violate the defendant's right to a jury trial under the Sixth Amendment.

#### **Summary of Bill:**

A procedure is established for determining whether a robbery offense in the first or second degree was committed against a pharmacy and a new sentencing enhancement penalty is created for such offenses.

A 12-month sentence enhancement 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 Robbery of a pharmacy.

**Appropriation:** None.

**Fiscal Note:** Available.

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

#### **Staff Summary of Public Testimony:**

(In support) Pharmacies seem to be the target these days for robberies because they are where a person would find drugs. A robbery of a pharmacy is qualitatively different from a normal street robbery in that pharmacies have many customers of all ages in their stores each day. The pharmacy technicians do not take self-defense courses; they are there to serve their communities and provide patient care. A pharmacy robbery makes it difficult and scary for staff as well as others that may be in the store at the time.

Although many of the robberies take place for the money, most of them occur for the drugs. On the street some stolen pharmacy drugs are valuable. The high value street drugs and the drugs that offenders seem to be addicted to are what seem to be the most popular for offenders to rob.

Pharmacy robberies have dropped over the last couple of years since many of the pharmacy drugs have been reformulated. However, in 2010, there were 83 pharmacy robberies in the State of Washington with 22 of those robberies taking place in Rite Aid pharmacies alone. In the year 2008-09, Walgreens pharmacies led the country in pharmacy robberies. Today, Washington is still one of the leading states in the country for pharmacy robberies.

Various versions of this bill have been around for the last four years. This 12-month sentence enhancement will send a message to those who rob pharmacies, and will be a deterrent to those who harm pharmacy employees. Over the years, the pharmacies have added time-release safes and made improvements to help reduce pharmacy robberies so now it is time for the state to step-up and do its part.

(Opposed) None.

**Persons Testifying:** Stu Halson, Rite Aid Corporation; Holly Chisa, Northwest Grocery Association; Carolyn Logne, Washington Food Industry Association; Jim Hedrick, Walgreens; and Dan Satterberg, Washington Association of Prosecuting Attorneys and King County Prosecuting Attorney's Office.

**Persons Signed In To Testify But Not Testifying:** None.