

HOUSE BILL REPORT

SB 6010

As Reported by House Committee On:
Public Safety

Title: An act relating to possession of altered or shaved keys.

Brief Description: Establishing penalties for altered or shaved keys.

Sponsors: Senator Padden.

Brief History:

Committee Activity:

Public Safety: 2/25/14, 2/26/14 [DPA].

Brief Summary of Bill
(As Amended by Committee)

- Adds altered or shaved keys to the current statutory list of burglary tools.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: Do pass as amended. Signed by 11 members: Representatives Goodman, Chair; Roberts, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton, Holy, Hope, Moscoso, Pettigrew, Ross and Takko.

Staff: Yvonne Walker (786-7841).

Background:

It is a gross misdemeanor offense for a person to make or possess burglar tools adapted, designed, or commonly used for the commission of Burglary when there is intent to use the tools to commit Burglary. Burglar tools include: any engine, machine, tool, false key, pick lock, bit, nippers, or other implement adapted, designed, or commonly used for the commission of Burglary.

Under the Motor Vehicle Theft statute an "altered or shaved key" is any key so altered, by cutting, filing, or other means, to fit multiple vehicles or vehicles other than the vehicles for which the key was originally manufactured.

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 Amended Bill:

Altered or shaved keys are added to the statutory list of burglary tools where the intent to use the altered or shaved key in the commission of a Burglary crime is an element of the offense.

As a result, making or possessing a shaved key with the intent to use the key in the commission of Burglary is a gross misdemeanor offense. An altered or shaved key is any key so altered, by cutting, filing, or other means, to fit multiple locks other than the lock for which the key was originally manufactured.

Amended Bill Compared to Original Bill:

The amendment adds altered or shaved keys to the current statutory list of burglary tools. The amendment also eliminates the new provisions added in the Burglary and the Motor Vehicle Theft statute that made:

- mere possession of shaved keys a crime even in situations where law enforcement could not establish an intent to use the tools to commit Burglary or Motor Vehicle Theft; and
- each additional set of one to 10 altered or shaved keys a separate and distinct crime as an additional gross misdemeanor offense.

Appropriation: None.

Fiscal Note: Not requested.

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

Staff Summary of Public Testimony:

(In support) Auto theft is an insidious problem. Washington has tried to reduce the number of auto thefts in the state by creating auto theft task forces and an Auto Theft Prevention Authority. There have been a number of cases where shaved keys have been used to provide access to a car and also to help start the car. There is no legitimate purpose to have shaved keys other than to steal cars and break into homes. This bill gives law enforcement another tool in dealing with auto theft.

(Opposed) The concern is that there is not an intent element for the crime. Shaved keys are difficult to identify and may not be obvious to everyone what a shaved key looks like. This bill is criminalizing the possession of keys that it may not be an obvious tool of criminality.

Persons Testifying: (In support) Senator Padden, prime sponsor; and Don Pierce, Washington Association of Sheriffs and Police Chiefs.

(Opposed) Lisa Mulligan, Washington Criminal Defense Lawyers and Washington Defender Association.

Persons Signed In To Testify But Not Testifying: None.