

SENATE BILL REPORT

ESB 5053

As Amended by House, April 11, 2013

Title: An act relating to vehicle prowling.

Brief Description: Modifying vehicle prowling provisions.

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

Brief History:

Committee Activity: Law & Justice: 1/25/13, 2/04/13, 2/08/13 [DP, w/oRec].

Passed Senate: 2/25/13, 48-0.

Passed House: 4/11/13, 96-1.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Padden, Chair; Carrell, Vice Chair; Kohl-Welles, Pearson and Roach.

Minority Report: That it be referred without recommendation.

Signed by Senators Kline, Ranking Member; Darneille.

Staff: Sharon Swanson (786-7447)

Background: A person commits the crime of vehicle prowling in the first degree when that person enters or remains unlawfully in a motor home or vessel equipped for propulsion by mechanical means or by sail which has a cabin equipped with permanently installed sleeping quarters or cooking facilities, and the person intends to commit a crime against a person or property inside. Vehicle prowling in the first degree is a class C felony ranked at level I on the sentencing grid, which is punishable by 0 - 60 days of confinement and a fine of up to \$10,000 for a first offense.

A person commits the crime of vehicle prowling in the second degree when that person enters or remains unlawfully in a vehicle with the intent to commit a crime against a person or property inside. Vehicle prowling in the second degree is a gross misdemeanor. A gross misdemeanor is punishable by up to 364 days of confinement and a fine of up to \$5,000.

Summary of Engrossed Bill: Vehicle prowling in the second degree is a class C felony upon a third or subsequent conviction of vehicle prowling in the second degree.

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.

Vehicle prowling incidents charged in one charging document will not count as multiple offenses for the purpose of charging felony vehicle prowling. Vehicle prowling incidents that occur on the same date will not count as multiple offenses for the purpose of charging felony vehicle prowling.

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: PRO: Auto theft has been a huge problem in our state for many years. In 2006, 6000 cars were stolen in Snohomish County alone. In 2011, after legislative efforts to increase penalties related to auto theft, the rate dropped to 2100. This bill is drafted in such a manner that will help reduce vehicle prowls in much the same fashion that auto theft has been reduced. Last year, there were 1300 reported cases of vehicle prowling in Snohomish County. This bill gets at a small subculture of people who conduct smash and grab crimes against vehicles. The bill increases the penalties for third and subsequent vehicle prowling convictions. This will target the group of hardcore criminals who only target vehicles. Previous iterations of this bill have passed the senate unanimously. The bill is a very well-worked piece of legislation and is narrowly tailored to target the right people.

Persons Testifying: PRO: John Lovick, Snohomish County Sheriff; Doug Levy, Cities of Everett, Kent, Renton, Redmond, Puyallup, and Issaquah.

House Amendment(s): Amends the felony charge to a charge with a seriousness level IV – class C felony offense, instead of a seriousness level V offense, for the crime of vehicle prowling in the second degree on an offender's third or subsequent offense.