

SENATE BILL REPORT

SB 5149

As Passed Senate, March 5, 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: Law & Justice: 1/30/13, 2/04/13, 2/08/13 [DP].

Ways & Means: 2/19/13, 2/20/13 [DP].

Passed Senate: 3/05/13, 48-0.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

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

Staff: Aldo Melchiori (786-7439)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass.

Signed by Senators Hill, Chair; Baumgartner, Vice Chair; Honeyford, Capital Budget Chair; Hargrove, Ranking Member; Nelson, Assistant Ranking Member; Bailey, Becker, Braun, Conway, Dammeier, Fraser, Hatfield, Hewitt, Kohl-Welles, Murray, Parlette, Ranker, Rivers, Schoesler and Tom.

Staff: Carma Matti-Jackson (786-7454)

Background: Robbery is committed when a person unlawfully takes personal property from, or in the presence of, another person against that person's will by use or threatened use of immediate force, violence, or fear of injury to a person or property. A person is guilty of robbery in the first degree if:

- the person is armed with a deadly weapon, displays an apparent firearm or deadly weapon, or inflicts bodily injury during the robbery or immediate flight from the robbery; or

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- the person commits robbery within and against a financial institution.

Robbery in the first degree is a class A felony, ranked at level of IX on the sentencing grid. The definition of most serious offense includes robbery in the first and second degree. A person who has been convicted of three most serious offenses is a persistent offender and may be sentenced to life in prison without the possibility of release.

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.

Summary of Bill: A special allegation may be brought against a person who commits robbery in the first degree, if the person commits the robbery of a pharmacy. If the person is convicted and the allegation is proven beyond a reasonable doubt to the finder of fact, an additional 12 months must be added to the standard sentence range.

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 (Law & Justice): PRO: Pharmacies in the back of grocery stores are being targeted for robberies. This is a serious crime that endangers everybody in the store. This is a customer and pharmacist safety act. The crime rate for robbery is rising in Washington while other crime rates are decreasing. Only the area licensed as a pharmacy is covered. The level of intensity and aggressiveness during these crimes has increased. A bottle of 100 OxyContin pills is worth \$8,000.

Persons Testifying (Law & Justice): PRO: Senator Carrell, prime sponsor; Tom McBride, WA Assn. of Prosecuting Attorneys; Dedi Hitchens, WA Pharmacy Assn.

Staff Summary of Public Testimony (Ways & Means): PRO: Although the number of robberies in pharmacies has gone down slightly in recent years, pharmacy robberies have become like series bank robberies and this is a public safety issue. In many pharmacies OxyContin is no longer available for those who have prescriptions. These are powerful drugs and many times, the robber demands them by name. Robbers are more aggressive than they used to be. In 2008, we had one robbery per day over a 12-month period. The industry has made changes such as storing the drugs in time release safes which has helped reduce the number of robberies. We have done our part and we are looking for the state to partner with us. We have seen in other states that once substantial sentences are publicized, the numbers of robberies drop. Increased sentencing will help prevent this crime and the potential threat to employees.

Persons Testifying (Ways & Means): PRO: Senator Padden, sponsor; Jim Hedrick, Walgreens; Carolyn Logue, WA Food Industry; Stuart Halsan, Rite Aid Corporation.