

SSB 5037 - H COMM AMD

By Committee on Public Safety

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 9A.56.350 and 2009 c 431 s 15 are each amended to
4 read as follows:

5 (1) A person is guilty of organized retail theft if he or she:

6 (a) Commits theft of property with a value of at least seven
7 hundred fifty dollars from a mercantile establishment with an
8 accomplice;

9 (b) Possesses stolen property, as defined in RCW 9A.56.140, with
10 a value of at least seven hundred fifty dollars from a mercantile
11 establishment with an accomplice; (~~or~~)

12 (c) Commits theft of property with a cumulative value of at least
13 seven hundred fifty dollars from one or more mercantile
14 establishments within a period of up to one hundred eighty days; or

15 (d) Commits theft of property with a cumulative value of at least
16 seven hundred fifty dollars from a mercantile establishment with no
17 less than six accomplices and makes or receives at least one
18 electronic communication seeking participation in the theft in the
19 course of planning or commission of the theft. For the purposes of
20 this subsection, "electronic communication" has the same meaning as
21 defined in RCW 9.61.260(5).

22 (2) A person is guilty of organized retail theft in the first
23 degree if the property stolen or possessed has a value of five
24 thousand dollars or more. Organized retail theft in the first degree
25 is a class B felony.

26 (3) A person is guilty of organized retail theft in the second
27 degree if the property stolen or possessed has a value of at least
28 seven hundred fifty dollars, but less than five thousand dollars.
29 Organized retail theft in the second degree is a class C felony.

30 (4) For purposes of this section, a series of thefts committed by
31 the same person from one or more mercantile establishments over a
32 period of one hundred eighty days may be aggregated in one count and
33 the sum of the value of all the property shall be the value
34 considered in determining the degree of the organized retail theft

1 involved. Thefts committed by the same person in different counties
2 that have been aggregated in one county may be prosecuted in any
3 county in which any one of the thefts occurred. For purposes of
4 subsection (1)(d) of this section, thefts committed by the principal
5 and accomplices may be aggregated into one count and the value of all
6 the property shall be the value considered in determining the degree
7 of organized retail theft involved.

8 (5) The mercantile establishment or establishments whose property
9 is alleged to have been stolen may request that the charge be
10 aggregated with other thefts of property about which the mercantile
11 establishment or establishments is aware. In the event a request to
12 aggregate the prosecution is declined, the mercantile establishment
13 or establishments shall be promptly advised by the prosecuting
14 jurisdiction making the decision to decline aggregating the
15 prosecution of the decision and the reasons for such decision."

16 Correct the title.

EFFECT: (1) Removes the provision that makes a conviction for organized retail theft under the new means (with six accomplices and an electronic communication) a gross misdemeanor on the first offense and a class C felony on the second or subsequent offense regardless of the dollar value of the property stolen or possessed.

(2) Provides that all means of committing the crime of organized retail theft, including the new means (with six accomplices and an electronic communication), are separated into first and second degree, depending on the value of the property stolen or possessed.

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