
Public Safety Committee

SSB 5037

Brief Description: Modifying organized retail theft provisions.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators O'Ban and Sheldon).

<p style="text-align: center;">Brief Summary of Substitute Bill</p> <ul style="list-style-type: none">• Expands the crime of Organized Retail Theft to include circumstances where a person commits the crime with the aid of six accomplices and makes or receives an electronic communication in the planning or commission of the theft.
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Hearing Date: 3/25/15

Staff: Cassie Jones (786-7303).

Background:

A person commits the crime of Organized Retail Theft if he or she:

- commits Theft of property with a value of at least \$750 from a mercantile establishment with an accomplice;
- possesses stolen property with a value of at least \$750 from a mercantile establishment with an accomplice; or
- commits Theft of property with a cumulative value of at least \$750 from one or more mercantile establishments within a period of up to 180 days.

The crime of Organized Retail Theft is separated into a first and a second degree. A person is guilty of Organized Retail Theft in the first degree, a class B felony, if the property stolen or possessed has a value of \$5,000 or more. A person is guilty of Organized Retail Theft in the second degree, a class C felony, if the property stolen or possessed has a value of at least \$750, but less than \$5,000.

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 class B felony is punishable by up to 10 years in prison and a fine of \$20,000. A class C felony is punishable by up to five years in prison and a \$10,000 fine. A gross misdemeanor is punishable by up to 364 days in jail and a \$5,000 fine.

Summary of Bill:

In addition to the three existing ways a person commits the crime of Organized Retail Theft, a person also commits this crime if he or she commits Theft of property with a cumulative value of at least \$750 from a mercantile establishment with at least six accomplices and makes or receives at least one electronic communication seeking participation in the theft in the course of planning or commission of the theft.

An electronic communication means the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means. It includes, but is not limited to, electronic mail, Internet-based communications, pager service, and electronic text messaging.

For this new means of committing the crime of Organized Retail Theft, a first offense is a gross misdemeanor and a second or subsequent offense is a class C felony. The thefts committed by the principal and accomplices may be aggregated into one count and the value of all the property is the value considered in determining the degree of organized retail theft involved.

Appropriation: None.

Fiscal Note: Available on original bill.

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