
Public Safety Committee

SB 6350

Brief Description: Addressing motor vehicle property offenses.

Sponsors: Senators O'Ban, Padden, Miloscia, Roach, Hewitt, Schoesler and Dammeier.

Brief Summary of Bill

- Adds Malicious Mischief (motor vehicle) offenses to the list of motor vehicle crimes that are tripled scored and it increases the seriousness level for third and subsequent motor vehicle-related offenses.

Hearing Date: 2/23/16

Staff: Yvonne Walker (786-7841).

Background:

In 2007 the Legislature enacted the Elizabeth Nowak–Washington Auto Theft Prevention Act that provided for increased penalties and triple scoring of prior motor vehicle-related offenses.

Sentencing Reform Act and Scoring.

Under the Sentencing Reform Act, an offender convicted of a felony receives a standard sentence range that is based on the seriousness of the offense and the offender's prior criminal history. The number of points an offender receives for current and prior felonies varies according to certain rules.

In the case of multiple prior convictions for the purpose of computing an offender's score, if the present conviction is for an offense involving Motor Vehicle Theft, Possession of a Stolen Vehicle, or Taking a Motor Vehicle Without Permission in the first or second degree, an offender receives: (1) one point for each prior conviction involving Vehicle Prowling; and (2) three points for each prior adult and juvenile conviction involving Theft of a Motor Vehicle, Possession of a Stolen Vehicle, or Taking a Motor Vehicle Without Permission in the first or 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.

Motor Vehicle Theft.

A person is guilty of Theft of a Motor Vehicle if the person commits Theft of any motor vehicle. Theft of a Motor Vehicle is a seriousness level II, class B felony offense and it carries a presumptive standard sentence of zero to 90 days in jail for a first offense.

Possession of a Stolen Vehicle.

A person is guilty of Possession of a Stolen Motor Vehicle if he or she possesses a stolen vehicle. Possession of a Stolen Motor Vehicle is a seriousness level II, class B felony offense and it carries a presumptive standard sentence of zero to 90 days in jail for a first offense.

Taking a Motor Vehicle Without Permission.

A person is guilty of Taking a Motor Vehicle Without Permission in the first degree if he or she, without the permission of the owner or person entitled to possession, intentionally takes or drives away an automobile or motor vehicle that is the property of another, and he or she: (a) alters the motor vehicle for the purpose of changing its appearance or primary identification, including obscuring, removing, or changing the manufacturer's serial number or the vehicle identification number plates; (b) removes or participates in the removal of, parts from the motor vehicle with the intent to sell the parts; (c) exports or attempts to export, the motor vehicle across state lines or out of the United States for profit; (d) intends to sell the motor vehicle; or (e) is engaged in a conspiracy and the central object of the conspiratorial agreement is the theft of motor vehicles for sale to others for profit or is engaged in a conspiracy and has solicited a juvenile to participate in the theft of a motor vehicle. Taking a Motor Vehicle Without Permission in the first degree is a seriousness level V, class B felony and it carries a presumptive standard sentence of six to 12 months in jail for a first offense.

A person is guilty of Taking a Motor Vehicle Without Permission in the second degree if he or she, without the permission of the owner or person entitled to possession, intentionally takes or drives away any automobile or motor vehicle, whether propelled by steam, electricity, or internal combustion engine, that is the property of another, or he or she voluntarily rides in or upon the automobile or motor vehicle with knowledge of the fact that the automobile or motor vehicle was unlawfully taken. Taking a Motor Vehicle Without Permission in the second degree is a seriousness level I, class C felony and it carries a presumptive standard sentence of zero to 60 days in jail for a first offense.

Malicious Mischief.

A person is guilty of the crime of Malicious Mischief in the first degree if he or she knowingly and maliciously: (a) causes physical damage to the property of another in an amount exceeding \$5,000; (b) causes an interruption or impairment of service rendered to the public by physically damaging or tampering with an emergency vehicle or property of the state, a political subdivision thereof, or a public utility or mode of public transportation, power, or communication; or (c) causes an impairment of the safety, efficiency, or operation of an aircraft by physically damaging or tampering with the aircraft or aircraft equipment, fuel, lubricant, or parts. Malicious Mischief in the first degree is a seriousness level II, class B felony offense and it carries a presumptive standard sentence of zero to 90 days in jail for a first offense.

A person is guilty of the crime of Malicious Mischief in the second degree if he or she knowingly and maliciously: (a) causes physical damage to the property of another in an amount exceeding \$750; or (b) creates a substantial risk of interruption or impairment of service rendered to the

public, by physically damaging or tampering with an emergency vehicle or property of the state, a political subdivision thereof, or a public utility or mode of public transportation, power, or communication. Malicious Mischief in the second degree is a seriousness level I, class C felony offense and it carries a presumptive standard sentence of zero to 60 days in jail for a first offense.

Vehicle Prowl.

A person is guilty of Vehicle Prowling in the first degree if, with intent to commit a crime against a person or property therein, he or she enters or remains unlawfully in a motor home or in a vessel equipped for propulsion by mechanical means or by sail which has a cabin equipped with permanently installed sleeping quarters or cooking facilities. Vehicle Prowling in the first degree is a seriousness level I, class C felony and it carries a presumptive standard sentence of zero to 60 days in jail for a first offense.

Summary of Bill:

The act adds Malicious Mischief (motor vehicle) offenses to the list of motor vehicle crimes that are tripled scored and it increases the seriousness level for third and subsequent motor vehicle-related offenses.

In the case of multiple prior convictions for the purpose of computing an offender's score, if the present conviction is for an offense involving a motor vehicle-related offense or Malicious Mischief (motor vehicle) in the first or second degree, an offender must receive three points for each prior Malicious Mischief (motor vehicle) in the first or second degree offense.

In addition, if it is the person's third or subsequent offense for a motor vehicle-related offense, the seriousness level is increased by one for each of the following crimes:

- Motor Vehicle Theft is increased from a seriousness level II (zero to 90 days in jail) to a seriousness level III (one to three months in jail);
- Possession of a Stolen Vehicle is increased from a seriousness level II (zero to 90 days in jail) to a seriousness level III (one to three months in jail);
- Taking a Motor Vehicle Without Permission in the first degree is increased from a seriousness level V (six to 12 months in jail) to a seriousness level VI (12 months and a day to 14 months in prison);
- Taking a Motor Vehicle Without Permission in the second degree is increased from a seriousness level I (zero to 60 days in jail) to a seriousness level II (zero to 90 days in jail);
- Malicious Mischief (motor vehicle) in the first degree is increased from a seriousness level II (zero to 90 days in jail) to a seriousness level III (one to three months in jail);
- Malicious Mischief (motor vehicle) in the second degree is increased from a seriousness level I (zero to 60 days in jail) to a seriousness level II (zero to 90 days in jail); and
- Vehicle Prowling is increased from a seriousness level I (zero to 60 days in jail) to a seriousness level II (zero to 90 days in jail).

Appropriation: None.

Fiscal Note: Available.

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