
SUBSTITUTE SENATE BILL 5037

State of Washington

64th Legislature

2015 Regular Session

By Senate Law & Justice (originally sponsored by Senators O'Ban and Sheldon)

READ FIRST TIME 02/04/15.

1 AN ACT Relating to organized retail theft; amending RCW
2 9A.56.350; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

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

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

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

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

16 (d) Commits theft of property with a cumulative value of at least
17 seven hundred fifty dollars from a mercantile establishment with no
18 less than six accomplices and makes or receives at least one
19 electronic communication seeking participation in the theft in the
20 course of planning or commission of the theft. For the purposes of

1 this subsection, "electronic communication" has the same meaning as
2 defined in RCW 9.61.260(5).

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

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

11 (4)(a) A first offense of organized retail theft under subsection
12 (1)(d) of this section is a gross misdemeanor.

13 (b) A second or subsequent offense of organized retail theft
14 under subsection (1)(d) of this section is a class C felony
15 punishable under RCW 9A.20.021.

16 (5) For purposes of this section, a series of thefts committed by
17 the same person from one or more mercantile establishments over a
18 period of one hundred eighty days may be aggregated in one count and
19 the sum of the value of all the property shall be the value
20 considered in determining the degree of the organized retail theft
21 involved. Thefts committed by the same person in different counties
22 that have been aggregated in one county may be prosecuted in any
23 county in which any one of the thefts occurred. For purposes of
24 subsection (1)(d) of this section, thefts committed by the principal
25 and accomplices may be aggregated into one count and the value of all
26 the property shall be the value considered in determining the degree
27 of organized retail theft involved.

28 ~~((+5))~~ (6) The mercantile establishment or establishments whose
29 property is alleged to have been stolen may request that the charge
30 be aggregated with other thefts of property about which the
31 mercantile establishment or establishments is aware. In the event a
32 request to aggregate the prosecution is declined, the mercantile
33 establishment or establishments shall be promptly advised by the
34 prosecuting jurisdiction making the decision to decline aggregating
35 the prosecution of the decision and the reasons for such decision.

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