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SENATE BILL 5037

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State of Washington

64th Legislature

2015 Regular Session

By Senators O'Ban and Sheldon

Prefiled 01/05/15. Read first time 01/12/15. Referred to Committee on Law & Justice.

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; (~~(e)~~)

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

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

27 ~~((+5))~~ (6) The mercantile establishment or establishments whose  
28 property is alleged to have been stolen may request that the charge  
29 be aggregated with other thefts of property about which the  
30 mercantile establishment or establishments is aware. In the event a  
31 request to aggregate the prosecution is declined, the mercantile  
32 establishment or establishments shall be promptly advised by the  
33 prosecuting jurisdiction making the decision to decline aggregating  
34 the prosecution of the decision and the reasons for such decision.

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