
Public Safety Committee

SB 5632

Brief Description: Modifying organized retail theft provisions.

Sponsors: Senators O'Ban, Palumbo, Angel, Wilson, Zeiger, Rossi and Padden.

<p>Brief Summary of Bill</p> <ul style="list-style-type: none">• Expands the offense of Organized Retail Theft to include circumstances where a person commits theft with at least six accomplices and makes or receives an electronic communication seeking participation in the theft.

Hearing Date: 3/23/17

Staff: Kelly Leonard (786-7147).

Background:

Theft.

A person commits Theft if he or she:

- wrongfully obtains or exerts unauthorized control over the property or services of another with intent to deprive him or her of the property or services;
- by deception, obtains control over the property or services of another with the intent to deprive him or her of the property or services; or
- appropriates lost or misdelivered property or services of another with intent to deprive him or her of the property or services.

For general Theft offenses, the degree and classification of Theft depends upon the value of the property stolen. Theft of property or services valued more than \$5,000 is a first degree offense and a class B felony with a seriousness level of II. Theft of property or services valued more than \$750 (but not more than \$5,000) is a second degree offense and class C felony with a seriousness level of I. Theft of property or services valued at \$750 or less is a third degree offense and a gross misdemeanor.

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.

Organized Retail Theft.

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

- Commits Theft of property or possesses stolen property with a value of at least \$750 from a mercantile establishment with an accomplice.
- 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.

If the if value of the property stolen or possessed is \$5,000 or more, then it is a first degree offense and a class B felony with a seriousness level of III. Otherwise, it is a second degree offense and class C felony with a seriousness level of II.

For Organized Retail Theft, a series of thefts committed by the same person from one or more mercantile establishments over a period of 180 days may be aggregated in one count and the sum of the value of all the property determines the degree of the offense. When aggregating the offense for transactions occurring in different counties, the offense may be prosecuted in any county in which any one of the transactions occurred.

A mercantile establishment whose property is alleged to have been stolen may request that the charge be aggregated with other thefts of property. In the event a request to aggregate the prosecution is declined, the prosecutor must promptly notify the mercantile establishment of the reasons for the decision.

Sentencing.

Crimes are classified as misdemeanors, gross misdemeanors, or felonies. While there are exceptions, the classification of a crime generally determines the maximum term of confinement and/or fine for an offense. For each classification, the maximum terms of confinement and maximum fines are as follows:

<u>Classification</u>	<u>Maximum Confinement</u>	<u>Maximum Fine</u>
Misdemeanor	90 days	\$1,000
Gross Misdemeanor	364 days	\$5,000
Class C Felony	5 years	\$10,000
Class B Felony	10 years	\$20,000
Class A Felony	Life	\$50,000

When a person is convicted of a felony, the Sentencing Reform Act (SRA) applies and determines a specific range of sentence within the statutory maximum. Sentences for felony offenses are determined by reference to a sentencing grid. The sentencing grid provides a standard range of months for the sentence, based on both the severity, or "seriousness level," of the offense and the convicted person's "offender score," which is based on the offender's criminal history. Generally, the higher the seriousness level or offender score, the longer the sentence. An imposed sentence must be within the standard range, except when other sentencing policies apply or in exceptional circumstances.

Summary of Bill:

An additional means to commit Organized Retail Theft is created. A person commits the offense 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 committing the theft.

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. However, a first offense of this new form of Organized Retail Theft is a gross misdemeanor, and a second or subsequent offense is an unranked class C felony.

Appropriation: None.

Fiscal Note: Available.

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