

Public Safety Committee

SB 5635

Brief Description: Concerning retail theft with special circumstances.

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

<p>Brief Summary of Bill</p> <ul style="list-style-type: none"> • Modifies the offense of Retail Theft with Special Circumstances to include when a person uses a device, under circumstances indicating an intent to use or employ it, to overcome a security system.
--

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.

While there are exceptions for certain types of property and circumstances, the degree and classification of Theft is typically based upon the value of the property stolen as follows:

<i>Value of Property or Services Stolen</i>	<i>Degree Theft</i>	<i>Classification</i>	<i>Seriousness Level</i>
More than \$5,000	First Degree	Class B Felony	II

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.

More than \$750, but not more than \$5,000	Second Degree	Class C Felony	I
Not more than \$750	Third Degree	Gross Misdemeanor	N/A

Retail Theft Involving Overcoming Security Systems.

Among other circumstances delineated in statute, a person is guilty of Retail Theft with Special Circumstances when he or she commits Theft in the first, second, or third degree, from a mercantile establishment and the person was, at the time of the theft, in possession of an item, article, implement, or device designed to overcome security systems including, but not limited to, lined bags or tag removers.

The degree of the offense depends on degree of the underlying Theft offense. A conviction of Retail Theft with Special Circumstances subjects a person to harsher penalties than standard Theft offenses.

<i>Related Theft Offense</i>	<i>Retail Theft with Special Circumstances</i>		
	<i>Degree of Retail Theft</i>	<i>Classification</i>	<i>Seriousness Level</i>
Theft in the First Degree	First Degree	Class B Felony	III
Theft in the Second Degree	Second Degree	Class C Felony	II
Theft in Third Degree	Third Degree	Class C Felony	Unranked

Summary of Bill:

The offense of Retail Theft with Special Circumstances is modified in the context of overcoming security systems. The special circumstance applies when the person was, at the time of the theft, in possession of an item, article, implement, or device used, under circumstances evincing an intent to use or employ, or designed to overcome security systems, including, but not limited to, lined bags or tag removers.

Appropriation: None.

Fiscal Note: Available.

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