
SUBSTITUTE SENATE BILL 5634

State of Washington

65th Legislature

2017 Regular Session

By Senate Law & Justice (originally sponsored by Senators Padden, Angel, Palumbo, Wilson, Zeiger, and Rossi)

READ FIRST TIME 02/17/17.

1 AN ACT Relating to aggregating counts of retail theft with
2 special circumstances; and amending RCW 9A.56.360.

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

4 **Sec. 1.** RCW 9A.56.360 and 2013 c 153 s 1 are each amended to
5 read as follows:

6 (1) A person commits retail theft with special circumstances if
7 he or she commits theft of property from a mercantile establishment
8 with one of the following special circumstances:

9 (a) To facilitate the theft, the person leaves the mercantile
10 establishment through a designated emergency exit;

11 (b) The person was, at the time of the theft, in possession of an
12 item, article, implement, or device designed to overcome security
13 systems including, but not limited to, lined bags or tag removers; or

14 (c) The person committed theft at three or more separate and
15 distinct mercantile establishments within a one hundred eighty-day
16 period.

17 (2) A person is guilty of retail theft with special circumstances
18 in the first degree if the theft involved constitutes theft in the
19 first degree. Retail theft with special circumstances in the first
20 degree is a class B felony.

1 (3) A person is guilty of retail theft with special circumstances
2 in the second degree if the theft involved constitutes theft in the
3 second degree. Retail theft with special circumstances in the second
4 degree is a class C felony.

5 (4) A person is guilty of retail theft with special circumstances
6 in the third degree if the theft involved constitutes theft in the
7 third degree. Retail theft with special circumstances in the third
8 degree is a class C felony.

9 (5) For the purposes of this section, "special circumstances"
10 means the particular aggravating circumstances described in
11 subsection (1)(a) through (c) of this section.

12 (6) A series of thefts committed by the same person from one or
13 more mercantile establishments over a period of one hundred eighty
14 days may be aggregated in one count and the sum of the value of all
15 the property shall be the value considered in determining the degree
16 of the retail theft with special circumstances involved. Thefts
17 committed by the same person in different counties that have been
18 aggregated in one county may be prosecuted in any county in which any
19 one of the thefts occurred. In no case may an aggregated series of
20 thefts, or a single theft that has been aggregated in one county, be
21 prosecuted in more than one county.

22 (7) The mercantile establishment or establishments whose property
23 is alleged to have been stolen may request that the charge be
24 aggregated with other thefts of property about which the mercantile
25 establishment or establishments is aware. In the event a request to
26 aggregate the prosecution is declined, the mercantile establishment
27 or establishments shall be promptly advised by the prosecuting
28 jurisdiction making the decision to decline aggregating the
29 prosecution of the decision and the reasons for the decision.

--- END ---