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SENATE BILL 5634

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State of Washington                      65th Legislature                      2017 Regular Session

By Senators Padden, Angel, Palumbo, Wilson, Zeiger, and Rossi

Read first time 02/01/17. Referred to Committee on Law & Justice.

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.

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

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