

# HOUSE BILL REPORT

## SB 5927

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**As Reported by House Committee On:**  
Public Safety

**Title:** An act relating to the safety and security of retail cannabis outlets.

**Brief Description:** Concerning the safety and security of retail cannabis outlets.

**Sponsors:** Senators Honeyford and Saldaña.

**Brief History:**

**Committee Activity:**

Public Safety: 2/18/22, 2/22/22 [DPA].

**Brief Summary of Bill**  
**(As Amended By Committee)**

- Establishes a special allegation and sentencing enhancement for Robbery in the first or second degree where the perpetrator commits a robbery of a licensed cannabis retail outlet in concert with another individual or individuals.
- Requires a licensed cannabis retail outlet to report any attempt or incident of Robbery in the first or second degree at the retail outlet to the Washington State Liquor and Cannabis Board (LCB) within 10 days of the attempt or incident.
- Requires the LCB's chief enforcement officer to regularly consult with the Washington State Patrol to provide details of attempts or incidents of Robbery in the first or second degree of licensed cannabis retail outlets and to discuss any evidence that indicates a pattern of, or coordinated effort by, a criminal enterprise.

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### HOUSE COMMITTEE ON PUBLIC SAFETY

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

**Majority Report:** Do pass as amended. Signed by 12 members: Representatives Goodman, Chair; Johnson, J., Vice Chair; Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Davis, Griffey, Hackney, Orwall, Ramos, Simmons, Thai and Young.

**Minority Report:** Without recommendation. Signed by 1 member: Representative Graham.

**Staff:** Corey Patton (786-7388).

**Background:**

Classification of Crimes.

Crimes are classified as misdemeanors, gross misdemeanors, or class A, B, or C felonies. While there are exceptions, the classification of a crime generally determines the maximum term of confinement and 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

For most felony offenses, the Sentencing Reform Act determines a specific sentence range within the statutory maximum according to a sentencing grid. The sentencing grid provides a standard sentence range based on both the severity, or "seriousness level," of the offense and the convicted person's "offender score," which is based on the person's criminal history. Additional sentencing policies, such as sentencing enhancements, may affect a person's standard sentence range. For example, in a criminal case where a person is convicted of Robbery in the first or second degree and there is a special allegation pleaded and proven beyond a reasonable doubt that the person committed a robbery of a pharmacy, the person's standard sentence range must be increased by 12 months.

Criminal Penalties Related to Robbery.

*Robbery in the First Degree.* A person is guilty of Robbery in the first degree if he or she:

- is armed with a deadly weapon during the commission of a robbery or immediate flight therefrom;
- displays what appears to be a firearm or other deadly weapon during the commission of a robbery or immediate flight therefrom;
- inflicts bodily injury during the commission of a robbery or immediate flight

- therefrom; or
- commits a robbery within and against a financial institution.

Robbery in the first degree is a class A felony.

*Robbery in the Second Degree.* A person is guilty of Robbery in the second degree if he or she commits a robbery in a manner that does not constitute Robbery in the first degree. Robbery in the second degree is a class B felony.

Cannabis Retail Outlets.

The Washington State Liquor and Cannabis Board (LCB) licenses and regulates state marijuana producers, processors, and retailers. Retail outlets are locations licensed by the LCB for the retail sale of marijuana concentrates, useable marijuana, and marijuana-infused products.

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**Summary of Amended Bill:**

A special allegation and sentencing enhancement are established for Robbery in the first or second degree where the perpetrator commits a robbery of a licensed cannabis retail outlet in concert with another individual or individuals. The sentencing enhancement increases the standard sentence range for such crimes by 12 months.

Each licensed cannabis retail outlet is required to report any attempt or incident of Robbery in the first or second degree at the retail outlet to the Washington State Liquor and Cannabis Board (LCB) within 10 days of the attempt or incident. The LCB's chief enforcement officer is required to regularly consult with the Washington State Patrol to provide details of such attempts or incidents and to discuss any evidence that indicates a pattern of, or coordinated effort by, a criminal enterprise.

**Amended Bill Compared to Original Bill:**

The amended bill provides that a special allegation and sentencing enhancement apply to convictions for Robbery in the first or second degree where the defendant commits a robbery of a cannabis retail outlet in concert with another individual or individuals, rather than where the defendant commits a robbery of a cannabis retail outlet as a premeditated act in concert with another individual or individuals.

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) There has been a dramatic rise in armed robberies of cannabis retail stores. These robberies are often violent, causing physical and emotional trauma to both employees and customers. Cannabis retail stores often have more cash on their premises than banks do. Transactions at these stores are conducted almost entirely through cash due to federal banking regulations. There is no imminent indication of federal banking reform, which leaves these businesses uniquely vulnerable. There are parallels between these crimes and the increase in pharmacy robberies from previous years. Increasing the penalties for robbing cannabis retail stores to align with the penalties for robbing pharmacies makes sense. This same approach made a difference in combating pharmacy robberies. A possible task force on this issue could provide further support, especially if it facilitated communications between different law enforcement agencies. Cannabis retail stores are not currently required to report robberies to the Washington State Liquor and Cannabis Board (LCB). This bill would help the LCB gather relevant data.

(Opposed) None.

**Persons Testifying:** Senator Jim Honeyford, prime sponsor; Adán Espino Jr; Brooke Davies, Washington CannaBusiness Association; Chris Thompson, Liquor and Cannabis Board; and Tawyna Jenkin, Star 21.

**Persons Signed In To Testify But Not Testifying:** None.