

# SENATE BILL REPORT

## SB 5781

---

---

As Passed Senate, February 11, 2022

**Title:** An act relating to organized retail theft.

**Brief Description:** Concerning organized retail theft.

**Sponsors:** Senators Padden and Wilson, L..

**Brief History:**

**Committee Activity:** Law & Justice: 1/27/22, 2/03/22 [DP, w/oRec].

**Floor Activity:** Passed Senate: 2/11/22, 46-3.

**Brief Summary of Bill**

- Adds an additional way to commit organized retail theft in the 2nd degree.

---

### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** Do pass.

Signed by Senators Dhingra, Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Honeyford, Kuderer, Pedersen, Salomon and Wagoner.

**Minority Report:** That it be referred without recommendation.

Signed by Senator Trudeau, Vice Chair.

**Staff:** Tim Ford (786-7423)

**Background:** A person can be charged with organized retail theft if the person:

- commits theft of property with a value of at least \$750 from a mercantile establishment with an accomplice;
- possesses stolen property with a value of at least \$750 from a mercantile establishment with an accomplice;

---

*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.*

- commits theft of property with a cumulative value of at least \$750 from one or more mercantile establishments within a period of 180 days; or
- commits theft of property with a cumulative value of at least \$750 from a mercantile establishment with no less than six accomplices and makes or sends at least one electronic communication seeking participation in the theft in the course of planning or commission of the theft.

Organized retail theft in the second degree is a class C felony ranked with a seriousness level of two. Applied on the sentencing grid, the sentencing range is 0 to 90 days for a person with an offender score of zero.

**Summary of Bill:** A person is guilty of organized retail theft in the 2nd degree if the person commits theft of property with a cumulative value of at least \$750 from a mercantile establishment with no less than two accomplices and each accomplice enters the mercantile establishment within five minutes of each other seeking participation in the theft.

**Appropriation:** None.

**Fiscal Note:** Requested on January 24, 2022.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: Washington State ranks second in the nation in theft per capita with over \$2.7 billion in goods stolen from retailers every year. This leads to increased costs to consumers, and approximately \$250 million in lost tax revenue for state and local governments. These crimes are getting more aggressive and violent. This bill is one prong in an approach to deter retail theft. Walgreens lost \$13 million in retail theft in Washington State. Changing laws like this create a deterrent because of the penalty for the use of accomplices. Cannabis stores have seen a dramatic increase in armed robberies almost daily.

**Persons Testifying:** PRO: Senator Mike Padden, Prime Sponsor; Mark Johnson, Washington Retail Association; Sally West, Walgreens; Carolyn Logue, Washington Food Industry Association; Adán Espino Jr, Craft Cannabis Coalition.

**Persons Signed In To Testify But Not Testifying:** No one.