

SENATE BILL REPORT

SB 6261

As Reported by Senate Committee On:
Law & Justice, January 30, 2024

Title: An act relating to the penalties for theft and possession of stolen property, including theft from first responders.

Brief Description: Concerning penalties for the theft and possession of stolen property, including theft from first responders. [**Revised for 1st Substitute:** Concerning theft from first responders.]

Sponsors: Senator Warnick.

Brief History:

Committee Activity: Law & Justice: 1/29/24, 1/30/24 [DPS, w/oRec].

Brief Summary of First Substitute Bill

- Creates an alternative method of committing possession of stolen property in the first degree.
- Creates an alternative method of committing theft in the first degree.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 6261 be substituted therefor, and the substitute bill do pass.

Signed by Senators Dhingra, Chair; Padden, Ranking Member; McCune, Salomon, Torres, Wagoner and Wilson, L..

Minority Report: That it be referred without recommendation.

Signed by Senators Trudeau, Vice Chair; Kuderer, Pedersen and Valdez.

Staff: Joe McKittrick (786-7287)

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.

Background: Possession of Stolen Property. Possession of stolen property means knowingly receiving, retaining, possessing, concealing or disposing of stolen property knowing that it has been stolen and withholding or appropriating the property to the use of any person other than the true owner or person entitled to the property. The fact the person who initially stole the property has not been convicted, apprehended, or identified does not relieve the possessor of stolen property from criminal liability.

A person commits the class B felony of possession of stolen property in the first degree if the person possesses stolen property, other than a firearm or motor vehicle, valued at over \$5,000. A person commits the class C felony of possession of stolen property in the second degree if the person (a) possesses stolen property, other than a firearm or motor vehicle, valued at over \$750; (b) possesses a stolen public record, writing or instrument kept, file, or deposited according to law; or (c) possesses a stolen access device such as a credit card.

A person commits the gross misdemeanor crime of possession of stolen property in the third degree if the person possesses stolen property that is valued at under \$750 or possesses ten or more stolen beverage crates or merchandise pallets.

Possession of stolen property in the first degree is a seriousness level II offense, meaning a person with no relevant criminal history would face a standard sentencing range of zero to 90 days imprisonment.

Theft. A person commits the class B felony of theft in the first degree if the person commits theft of:

- property or services valued at over \$5,000 excluding firearms;
- property of any value, excluding firearms and motor vehicles, taken from the person of another;
- a search and rescue dog while the dog is on duty; or
- commercial metal property, nonferrous metal property, or private metal property where the costs of damages to the owners property exceeds \$5,000 in value.

A person commits the class C felony of theft in the second degree if the person commits theft of:

- property or services valued between \$750 and \$5,000, excluding firearms and motor vehicles;
- a public record, writing, or instrument kept, filed, or deposited according to law with or in the keeping of any public office or public servant; commercial metal property, nonferrous metal property, or private metal property where the costs of damages to the owners property is valued between \$705 and \$5,000; or
- an access device such as a credit card.

A person commits the gross misdemeanor crime of theft in the third degree if the person commits theft of property or services not exceeding \$750 in value or that includes ten or more merchandise pallets and beverage crates.

Theft in the first degree is a seriousness level II offense, meaning a person with no relevant criminal history would face a standard sentencing range of zero to 90 days imprisonment.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (First Substitute): An alternative method of committing possession of stolen property in the first degree is added by which a person is guilty of the crime if the person possesses stolen property that was property or equipment used by firefighters or emergency medical service providers in the course of duties and taken from a fire station or emergency medical services building, facility, structure, or vehicle.

An alternative method of committing theft in the first degree is added by which a person is guilty of the crime if the person commits theft of property or equipment used by firefighters or emergency medical service providers in the course of duties and taken from a fire station or emergency medical services building, facility, structure, or vehicle.

EFFECT OF CHANGES MADE BY LAW & JUSTICE COMMITTEE (First Substitute):

- Classifies the new alternative methods of committing possession of stolen property in the first degree and theft in the first degree as seriousness level 2 offenses, aligning them with all other theft in the first degree and possession of stolen property in the first degree crimes.
- Removes the 6-month mandatory minimum related to convictions for theft in the first degree and possession of stolen property in the first degree concerning property of first responders.

Appropriation: None.

Fiscal Note: Requested on January 26, 2024.

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 on Proposed Substitute. *The committee recommended a different version of the bill than what was heard.* PRO: First responders serving rural areas are often remotely located, and when the equipment they used is stolen, these first responders cannot provide essential emergency services to their communities. This bill is targeted to increase penalties for those individuals who wish to victimize first responders. These incidents have been going on across the state for years. It is not easy for first responders to replace this type of equipment, and most rural fire departments cannot afford to replace it.

CON: This bill is unnecessary and inappropriate. Crime rates fluctuate year to year, and there is no evidence increasing the penalty of a crime has any deterrent effect. Most evidence shows increasing penalties does not deter crime. If new laws only increase sentence lengths for crimes, we end up with one of the highest incarceration rates in the world, which Washington has. The Legislature should be increasing judicial discretion, not decreasing it like this bill does. This further adds unnecessary complications to the sentencing grid.

Persons Testifying: PRO: Senator Judy Warnick, Prime Sponsor; Jeremy Burns, Ephrata Fire Department.

CON: David Trieweiler, Washington Association of Criminal Defense Lawyers/Washington Defender Association.

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