

SENATE BILL REPORT

HB 2605

As Reported By Senate Committee On:
Judiciary, February 28, 2002

Title: An act relating to aggregating value for purposes of determining the degree of theft.

Brief Description: Changing provisions relating to aggregating value for purposes of determining the degree of theft.

Sponsors: Representatives O'Brien, Morell, Jackley and Lovick.

Brief History:

Committee Activity: Judiciary: 2/28/02 [DP].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Kline, Chair; Kastama, Vice Chair; Costa, Hargrove, Long, McCaslin, Poulsen, Roach, Thibaudeau and Zarelli.

Staff: Aldo Melchiori (786-7439)

Background: A person commits theft if he or she, with the intent to deprive the other person of the property or services: (1) wrongfully obtains or exerts unauthorized control over the property or services; (2) by color or aid of deception, obtains control over the property or services; or (3) appropriates lost or misdelivered property or services.

The degree and punishment of the theft depends on the value of the property or service, the type of property or service, or the circumstances under which the property or service was stolen. If the property or service stolen has a value of over \$1,500, the crime is theft in the first degree, a class B felony ranked at level of II on the sentencing grid (0 to three months for a first offense). If the property or service stolen has a value of over \$250, but not exceeding \$1,500, the crime is theft in the second degree a class C felony ranked at level of I on the sentencing grid (0 to two months for a first offense). If the property or service stolen has a value of \$250 or less, the crime is theft in the third degree, a gross misdemeanor (0 to 12 months).

If a series of thefts in a common scheme or plan would be considered third degree thefts separately, the thefts can be aggregated to determine the value of the theft. Courts have allowed aggregation when the thefts were from the same victim over a period of time or when the thefts were from different victims at the same time and place. However, thefts involving different victims in different places cannot be statutorily aggregated.

Summary of Bill: A series of separate third degree thefts can be aggregated if they are part of a criminal episode. A criminal episode occurs if the three or more thefts are committed by the same person from one or more mercantile establishments within a five-day period.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: This provides for a more adequate response to professional shoplifters. The current penalties for shoplifting are a slap on the wrist.

Testimony Against: None.

Testified: PRO: Representative O'Brien, prime sponsor; Jan Gee, Washington Retail Association; Kacey MacClendon, Target; Don Hanlon, Target.