
Judiciary Committee

HB 1987

Title: An act relating to exempting property owners from injury caused to another person as a result of metal theft.

Brief Description: Exempting property owners from injury caused to another person as a result of metal theft.

Sponsors: Representatives Warnick, Armstrong, Haler, Hailey, Sump, McCune, VanDeWege, Skinner, Kristiansen and Rodne.

Brief Summary of Bill

- Provides that a public or private landowner is not liable for unintentional injuries to any person when the injury is caused by the theft of copper, aluminum, steel, or other metal material from the landowner's property.

Hearing Date: 2/16/07

Staff: Trudes Tango (786-7384).

Background:

A person who has been injured by another may bring a civil action to recover damages caused by the injury. In an action for negligence, the plaintiff must prove: (a) the defendant owed a duty of care to the plaintiff; (b) the defendant breached that duty; (c) the breach was a proximate cause of the plaintiff's injury; and (d) the plaintiff suffered injury.

Generally, a landowner owes no duty of care to a trespasser, except to refrain from causing willful or wanton injury to the trespasser. However, there is an exception to this rule for child trespassers. Under the attractive nuisance doctrine, a landowner may be liable for injuries to a trespassing child from an artificial condition on the property if certain conditions are met.

It is a complete defense against an action for personal injury or wrongful death that the person injured or killed was engaged in a felony and the felony was the proximate cause of the injury or death. Theft in the first degree and theft in the second degree are felonies. Theft in the third degree is a gross misdemeanor.

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

A person commits theft if he or she:

- wrongfully obtains or exerts unauthorized control over the property or services of another with intent to deprive him or her of the property or services; or
- by color or aid of deception, obtains control over the property or services of another with the intent to deprive him or her of the property or services.

A person is guilty of theft in the first degree if the value of the property exceeds \$1,500 or is taken from the person of the victim. A person is guilty of theft in the second degree if: (a) the value of the property exceeds \$250 and is less than \$1,500; (b) the property is a public record, writing, or instrument kept, filed, or deposited according to law or in the keeping of any public office or public service; (c) the property is an access device; or (d) the property is a motor vehicle valued less than \$1,500. A person is guilty of theft in the third degree if the value of the property is less than \$250 or includes more than 10 merchandise pallets or beverage crates.

Summary of Bill:

A public or private landowner is not liable for unintentional injuries to any person when the injury is caused by the theft of copper, aluminum, steel, or other metal material from property owned by the landowner.

Appropriation: None.

Fiscal Note: Not requested.

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