

# SENATE BILL REPORT

## SB 6498

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As Reported by Senate Committee On:  
Judiciary, February 2, 2010

**Title:** An act relating to committing a robbery within and against a pharmacy.

**Brief Description:** Modifying robbery in the first degree provisions to include committing a robbery within and against a pharmacy.

**Sponsors:** Senators Brandland, McCaslin, Carrell, Marr, Roach, Schoesler, Kline, Sheldon and Parlette.

**Brief History:**

**Committee Activity:** Judiciary: 1/29/10, 2/02/10 [DPS].

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** That Substitute Senate Bill No. 6498 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin, Ranking Minority Member; Carrell, Gordon, Hargrove, Kohl-Welles and Roach.

**Staff:** Karen Campbell (786-7448)

**Background:** The state does not have a specific criminal statute relating to robbing pharmacies by taking substances that can only be obtained from a licensed pharmacist. Most cases of this nature are prosecuted as second-degree robbery, whereby an offender unlawfully takes property by use or threat of force or fear of injury.

Robbery in the second degree is a Class B felony ranked at level IV on the sentencing grid (three to nine months for a first offense). Robbery in the first degree is committed when someone unlawfully takes property by use or threat of force or fear and during the commission of the robbery the person is either: (a) armed with a deadly weapon; (b) displays what appears to be a deadly weapon or a firearm; (c) causes bodily injury; or (d) commits a robbery against a financial institution. First-degree robbery is a Class A felony ranked at level IX on the sentencing grid (31 to 41 months for a first offense).

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

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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 a part of the legislation nor does it constitute a statement of legislative intent.*

**Summary of Bill (Recommended Substitute):** A new crime is created classifying robbing a pharmacy of any substance that may be obtained only from a licensed pharmacist as a robbery in the first degree. A pharmacy is defined as every place properly licensed by the board of pharmacy where the practice of pharmacy is conducted.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony:** PRO: Walgreens has suffered numerous drug related robberies. These crimes have caused both trauma to employees and unnecessary expense to the stores. Because of these crimes, Walgreens had to purchase sophisticated surveillance and other equipment to protect its personnel and to aid law enforcement in the prosecution of the individuals who commit these offenses. Increased penalties for those who rob pharmacies of controlled substances will reduce the number of drugs available on the street for illicit use.

CON: Violent drug related robberies with weapons can be prosecuted under the current statute; therefore, no change to the statute is needed to protect pharmacies and their staff from these offenders. The penalty associated with robbery in the first degree offense will prevent offenders, who are often suffering from drug addiction, from obtaining the substance abuse treatment they need.

**Persons Testifying:** PRO: Carol Watson Stover, The Walgreen Company; Richard Russo, Linds Pharmacies; Stu Halsan, Rite Aid Corporation; Ian Goodhew, Office of the King County Prosecuting Attorney.

CON: John Sinclair, Washington Association of Criminal Defense Attorneys.