

# HOUSE BILL REPORT

## HB 2507

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### As Reported by House Committee On:

Criminal Justice & Corrections

**Title:** An act relating to motor vehicle theft.

**Brief Description:** Increasing penalties for taking a motor vehicle without permission.

**Sponsors:** Representatives Lovick, Ballasiotes, O'Brien, Ahern, Kirby, Jackley, Kessler, Schmidt, McIntire, Conway, Santos, Ruderman, Van Luven, Edwards, Hurst, Fromhold, Upthegrove, Kenney, Eickmeyer, Miloscia, Simpson, Grant, Chase, Dunshee, Cody, Morris, Wood, Campbell, Veloria, Rockefeller, Darneille, McDermott, Schual-Berke and Berkey.

### Brief History:

#### Committee Activity:

Criminal Justice & Corrections: 1/29/02, 2/5/02 [DPS].

#### Brief Summary of Substitute Bill

- Divides the crime of taking a motor vehicle without permission into two degrees.
- Requires "double-scoring" of an offender's prior convictions involving taking a motor vehicle without permission in the first degree for purposes of calculating his or her offender score.

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### HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives O'Brien, Chair; Lovick, Vice Chair; Ballasiotes, Ranking Minority Member; Ahern, Kagi, Kirby and Morell.

**Staff:** Yvonne Walker (786-7841).

### Background:

Under the Sentencing Reform Act (SRA), an adult offender convicted of a felony receives a standard sentence range that is based on the seriousness of the offense and the offender's prior felony convictions. The number of points an offender receives for

current and prior felonies varies according to certain rules. For example, if the offender is convicted for a drug offense, three points are added for each adult prior felony drug offense conviction and two points are added for each prior juvenile drug offense. The effect of receiving an additional point means that the standard sentence range is longer.

The penalties for theft violations are generally based on the value of the property stolen.

Theft in the first degree occurs when a person commits theft of property or services valued in excess of \$1,500. Theft in the first degree is a seriousness level II, class B felony. A class B felony carries a maximum sentence of 10 years of incarceration, a fine of \$20,000, or both.

Theft in the second degree occurs when a person commits theft of property or services valued in excess of \$250, but not exceeding \$1,500. Theft in the second degree is a seriousness level I, class C felony. A class C felony carries a maximum sentence of five years of incarceration, a fine of \$10,000, or both.

Theft in the third degree occurs when a person commits theft of property or services valued less than \$250. Theft in the third degree is a gross misdemeanor. A gross misdemeanor carries a maximum sentence of one year in jail, a fine of \$5,000, or both.

Generally, an offense involving the theft of a motor vehicle is penalized based upon the value of the vehicle that was stolen.

Intentionally taking a motor vehicle without permission, or voluntarily riding in a vehicle knowing it was taken without permission, is a class C felony, which carries a maximum term of five years, or a fine of up to \$10,000, or both. It is ranked as a seriousness level I crime under the SRA which, for a first time offender has a standard sentence range of zero-60 days.

Juveniles who commit criminal offenses are also sentenced under a determinate sentencing model, which for an offense committed on or after July 1, 1998, is based on the seriousness of the offense and the number of prior adjudications. Taking a motor vehicle without permission is ranked as an offense category C crime which, for a first-time offender involves local sanctions. Local sanctions can include any combination of the following: zero-30 days confinement; zero-12 months community supervision; zero-150 hours community service; and a fine of \$0 to \$500.

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### **Summary of Substitute Bill:**

The crime of taking a motor vehicle without permission is divided into two degrees. The current elements of the crime - intentionally taking the vehicle without permission or voluntarily riding in it knowing it was taken without permission - becomes a second

degree motor vehicle theft. Taking a motor vehicle in the second degree is a seriousness level II, class C felony.

Taking a motor vehicle in the first degree is created and is committed if a person intentionally takes a motor vehicle without permission and he or she:

- 1) Alters the vehicle to change its appearance or identification numbers;
- 2) Removes parts from the vehicle with the intent to sell the parts;
- 3) Exports or attempts to export the vehicle out-of-state or out of the country for profit;
- 4) Intends to sell the vehicle; or
- 5) Is engaged in a conspiracy the object of which is the theft of motor vehicles for sale to others for profit.

Taking a motor vehicle in the first degree is a seriousness level IV, class B felony.

It is a B offense for any juvenile adjudicated of taking a motor vehicle in the first degree. It is a C+ offense for any juvenile adjudicated of taking a motor vehicle in the second degree. The sentence for a first time offender in either case is a local sanction.

An offender convicted of taking a motor vehicle without permission in the first degree will have two points added to his or her offender score for each prior adult and juvenile conviction for this offense.

Furthermore, the Department of Licensing must revoke the driver's license of any person convicted of taking a motor vehicle without permission.

#### **Substitute Bill Compared to Original Bill:**

The crime of "taking a motor vehicle without permission" in the first degree is reduced from a seriousness level V to a level IV for an adult conviction. The same crime is reduced from a B+ offense to a B offense for a juvenile adjudication.

The substitute bill also provides that an offender's prior convictions for the crime of "taking a motor vehicle without permission" in the first degree (instead of both first and second degree) will count two points for the purposes of calculating the offender's score for this crime.

A provision is added that requires the Department of Licensing to revoke the driver's license of any person convicted of taking a motor vehicle without permission for one year.

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**Appropriation:** None.

**Fiscal Note:** Requested on January 28, 2002.

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

**Testimony For:** Washington has the reputation for being the auto theft capitol of the world and juveniles commit 80 percent of those thefts. Every since 1984, motor vehicle theft has been ranked relatively low on the Sentencing Reform Act Grid. As a result, it takes an auto thief nearly seven convictions before an offender can even become eligible for prison incarceration. The sponsor of this bill may want to consider increasing the penalties even more to help deter auto thefts in the state.

Some states, as well as the Washington Association of Sheriffs and Police Chiefs, have begun the "watch your car program." The program allows owners to register their car with the state patrol. The owner is then issued a sticker that gives the state patrol permission to pull the car over if they see the car on the road between the hours of 1 a.m. and 5 a.m. This program has worked well in Arizona.

We need to let the auto thieves know that their free rides are over.

**Testimony Against:** This is not a good bill because there are already laws on the books to cover motor vehicle thefts. The creation of this statute actually weakens current statutes. Washington has theft, trafficking, and leading organized crime statutes where these types of offenses can be presently prosecuted under.

**Testified:** (In support) Representative Lovick, prime sponsor; Dan Satterburg, King County Prosecutor's Office; and Larry Erickson, Washington Association of Sheriffs and Police Chiefs.

(Concerns) Sophia Byrd, Washington State Association of Counties.

(Opposed) Jon Komoroski, Washington Association of Criminal Defense Lawyers and Washington Defender Association.