
Human Services Committee

HB 2570

Brief Description: Repealing minimum sentences for juveniles who commit offenses related to motor vehicle theft.

Sponsors: Representatives Dickerson, O'Brien, Appleton, McCoy, Hasegawa, Roberts, Goodman and Kagi.

Brief Summary of Bill

- Repeals the mandatory minimum sentences for juvenile offenders convicted of taking a motor vehicle without permission in the first or second degree, theft of a motor vehicle and possession of a stolen vehicle, and applies retroactively to offenses committed prior to the effective date of the bill.

Hearing Date: 1/22/08

Staff: Linda Merelle (786-7092).

Background:

A juvenile offender convicted of an offence receives a sentence that is based upon the seriousness of the offense and the offender's prior criminal history score. If the offender has no prior criminal history, the criminal history score is zero.

Current law requires that juvenile offenders convicted of taking of a motor vehicle without permission in the first or second degree, theft of a motor vehicle, and possession of a stolen vehicle, regardless of the criminal history score, serve mandatory sentences. For a conviction of taking of a motor vehicle without permission, in any degree, the mandatory minimum sentence must include confinement, which can, in some cases, be served as home detention.

Taking Motor Vehicle without Permission - First Degree

A person is guilty of taking a motor vehicle without permission in the first degree if he or she, without permission of the owner, intentionally takes a motor vehicle and: (1) alters or changes the motor vehicle's appearance or primary identification; (2) removes, or participates in the removal

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of, parts from the motor vehicle with the intent to sell the parts; (3) exports, or attempts to export, the motor vehicle across state lines or out of the country for profit; or (4) intends to sell the motor vehicle.

Taking Motor Vehicle without Permission - Second Degree

A person is guilty of taking a motor vehicle without permission in the second degree if he or she, without permission of the owner, intentionally takes a motor vehicle, or voluntarily rides in a motor vehicle with the knowledge of the fact that it was unlawfully taken.

Theft of a Motor Vehicle

A person is guilty of theft of a motor vehicle if he or she commits theft of a motor vehicle.

Possession of Stolen Motor Vehicle

A person is guilty of possession of a stolen vehicle if he or she possesses a stolen motor vehicle.

Offense	Criminal History Score	Mandatory Minimum Sentence
Taking Motor Vehicle without Permission - First Degree	0 - 1/2 points	5 days home detention; 45 hours community service; \$200 fine
Taking Motor Vehicle without Permission - First Degree	3/4 - 1 1/2 points	10 days detention; 90 hours community service; \$400 fine
Taking Motor Vehicle without Permission - First Degree	More than 2 points	15 - 36 weeks confinement; 7 days home detention; 4 months supervision, 90 hours community service; \$400 fine
(1) Theft of a Motor Vehicle OR (2) Possession of a Stolen Motor Vehicle	0 - 1/2 points	5 days home detention; 45 hours community service OR zero days home detention and 90 hours community service
(1) Theft of a Motor Vehicle OR (2) Possession of a Stolen Motor Vehicle	3/4 - 1 1/2 points	10 days home detention; 90 hours community service; \$400 fine

<p>(1) Theft of a Motor Vehicle OR (2) Possession of a Stolen Motor Vehicle</p>	<p>More than 2 points</p>	<p>15 - 36 weeks confinement; 7 days home detention; 4 months supervision; 90 hours community service; \$400 fine</p>
<p>Taking Motor Vehicle without Permission - Second Degree</p>	<p>0 - 1/2 points</p>	<p>EITHER: 1 day home detention; 1 month supervision; 15 hours community service; OR zero days home detention; 30 days supervision; 30 hours community service.</p>
<p>Taking Motor Vehicle without Permission - Second Degree</p>	<p>3/4 - 1 1/2 points</p>	<p>1 day detention; 2 days home detention; 2 months supervision; 30 hours community service; \$150 fine</p>
<p>Taking Motor Vehicle without Permission - Second Degree</p>	<p>More than 2 points</p>	<p>3 days detention; 7 days home detention; 3 months supervision; 45 hours community service; \$150 fine</p>

Summary of Bill:

This bill repeals the mandatory minimums for juvenile offenders convicted of the offenses of taking a motor vehicle without permission, first and second degree, theft of a motor vehicle, and possession of a stolen motor vehicle. This act is retroactive and applies to offenses committed prior to the effective date of the bill to the extent that retroactive application leads to the imposition of a more lenient sentence.

Appropriation: None.

Fiscal Note: Requested on January 18, 2008.

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