
Public Safety Committee

ESSB 5178

Brief Description: Modifying organized retail theft provisions.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Carrell, Rolfes, Roach, Becker, Padden, Pearson and Conway).

<p style="text-align: center;">Brief Summary of Engrossed Substitute Bill</p> <ul style="list-style-type: none">• Expands the offense of Organized Retail Theft to include theft from a store of property worth at least \$500 with six or more accomplices, in which electronic communication is used to seek participation in the offense.

Hearing Date: 3/26/13

Staff: Sarah Koster (786-7303).

Background:

Under current law, a person can be charged with Organized Retail Theft if a person:

- commits the Theft of property with a value of at least \$750 from a mercantile establishment with an accomplice;
- possesses stolen property with a value of at least \$750 from a mercantile establishment with an accomplice; or
- commits Theft of property with a cumulative value of at least \$750 from one or more mercantile establishments within a period of up to 180 days.

Organized Retail Theft in the first degree, which is a class B felony, requires that the property stolen or possessed has a value of \$5,000 or more. Organized Retail Theft in the second degree, which is a class C felony, requires that the property stolen or possessed has a value of at least \$750, but less than \$5,000. A series of organized retail thefts committed by the same person from one or more mercantile establishments over a period of 180 days may be aggregated in one count and the sum of the value of all the property must be the value considered in determining

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the degree of the organized retail theft involved. The mercantile establishment whose property was stolen can request that the charge is aggregated with other thefts of property.

Summary of Bill:

A person can be charged with Organized Retail Theft if the person:

- commits the Theft of property with a value of at least \$750 from a mercantile establishment with an accomplice;
- possesses stolen property with a value of at least \$750 from a mercantile establishment with an accomplice;
- commits Theft of property with a cumulative value of at least \$750 from one or more mercantile establishments within a period of up to 180 days; or
- commits Theft of property with a cumulative value of at least \$500 from a mercantile establishment with at least six accomplices and makes or receives at least one electronic communication seeking participation in the theft in the course of planning or commission of the theft.

The thefts committed by the principal and accomplices can be aggregated into one count and the value of all the property must be the value considered in determining the degree of organized retail theft involved.

Electronic communication means the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means. Electronic communication includes, but is not limited to, electronic mail, Internet-based communications, pager service, and electronic text messaging.

A first offense of Organized Retail Theft in which the person commits Theft of property with a cumulative value of at least \$500 from a mercantile establishment with no less than six accomplices and makes or receives at least one electronic communication seeking participation in the theft in the course of planning or commission of the theft is a gross misdemeanor.

A second or subsequent offense of Organized Retail Theft in which the person commits Theft of property with a cumulative value of at least \$500 from a mercantile establishment with no less than six accomplices and makes or receives at least one electronic communication seeking participation in the theft in the course of planning or commission of the theft is a class C felony.

Appropriation: None.

Fiscal Note: Available on substitute bill.

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