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SENATE BILL 6007

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State of Washington

64th Legislature

2015 Regular Session

By Senators Roach and Padden

Read first time 02/16/15. Referred to Committee on Law & Justice.

1 AN ACT Relating to theft of rental property; amending RCW  
2 9A.56.096; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 9A.56.096 and 2012 c 30 s 1 are each amended to read  
5 as follows:

6 (1) A person who, with intent to deprive the owner or owner's  
7 agent, wrongfully obtains, or exerts unauthorized control over, or by  
8 color or aid of deception gains control of personal property that is  
9 rented, leased, or loaned by written agreement to the person, is  
10 guilty of theft of rental, leased, lease-purchased, or loaned  
11 property.

12 (2) A person who, having control of personal property under a  
13 written rental agreement, intentionally holds the property beyond the  
14 expiration of the rental period without the effective consent of the  
15 owner of the property, depriving the owner of the property of its use  
16 in further rentals, is guilty of theft of rental, leased, lease-  
17 purchased, or loaned property. It is not a defense that the person  
18 returned the personal property held under a rental agreement after  
19 the expiration of the rental agreement if the person fails to pay the  
20 applicable rental charge for the property for the time that the  
21 person held the personal property.

1        (3) The finder of fact may presume intent to deprive if the  
2 finder of fact finds either of the following:

3        (a) That the person who rented or leased the property failed to  
4 return or make arrangements acceptable to the owner of the property  
5 or the owner's agent to return the property to the owner or the  
6 owner's agent within seventy-two hours after receipt of proper notice  
7 following the due date of the rental, lease, lease-purchase, or loan  
8 agreement; or

9        (b) That the renter, lessee, or borrower presented identification  
10 to the owner or the owner's agent that was materially false,  
11 fictitious, or not current with respect to name, address, place of  
12 employment, or other appropriate items.

13        ~~((+3))~~ (4) As used in subsection ~~((+2))~~ (3) of this section,  
14 "proper notice" consists of a written demand by the owner or the  
15 owner's agent made after the due date of the rental, lease, lease-  
16 purchase, or loan period, mailed by certified or registered mail to  
17 the renter, lessee, or borrower at: (a) The address the renter,  
18 lessee, or borrower gave when the contract was made; or (b) the  
19 renter, lessee, or borrower's last known address if later furnished  
20 in writing by the renter, lessee, borrower, or the agent of the  
21 renter, lessee, or borrower.

22        ~~((+4))~~ (5) The replacement value of the property obtained must  
23 be utilized in determining the amount involved in the theft of  
24 rental, leased, lease-purchased, or loaned property.

25        ~~((+5))~~ (6)(a) Theft of rental, leased, lease-purchased, or  
26 loaned property is a class B felony if the rental, leased, lease-  
27 purchased, or loaned property is valued at five thousand dollars or  
28 more.

29        (b) Theft of rental, leased, lease-purchased, or loaned property  
30 is a class C felony if the rental, leased, lease-purchased, or loaned  
31 property is valued at seven hundred fifty dollars or more but less  
32 than five thousand dollars.

33        (c) Theft of rental, leased, lease-purchased, or loaned property  
34 is a gross misdemeanor if the rental, leased, lease-purchased, or  
35 loaned property is valued at less than seven hundred fifty dollars.

36        ~~((+6))~~ (7) The crime of theft of rental, leased, lease-  
37 purchased, or loaned property may be deemed to have been committed  
38 either at the physical location where the written agreement for the  
39 rental, lease, lease-purchase, or loan of the property was executed  
40 under subsection (1) of this section, or at the address where proper

1 notice may be mailed to the renter, lessee, or borrower under  
2 subsection (~~(3)~~) (4) of this section.  
3 ~~((7))~~ (8) This section applies to rental agreements that  
4 provide that the renter may return the property any time within the  
5 rental period and pay only for the time the renter actually retained  
6 the property, in addition to any minimum rental fee, to lease  
7 agreements, to lease-purchase agreements as defined under RCW  
8 63.19.010, and to vehicles loaned to prospective purchasers borrowing  
9 a vehicle by written agreement from a motor vehicle dealer licensed  
10 under chapter 46.70 RCW. This section does not apply to rental or  
11 leasing of real property under the residential landlord-tenant act,  
12 chapter 59.18 RCW.

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