
SENATE BILL 5266

State of Washington 65th Legislature 2017 Regular Session

By Senators O'Ban, Pedersen, Angel, and Darneille

Read first time 01/18/17. 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 (d) Theft of rental, leased, lease-purchased, or loaned property
37 under subsection (2) of this section is a gross misdemeanor.

38 ~~((+6))~~ (7) The crime of theft of rental, leased, lease-
39 purchased, or loaned property may be deemed to have been committed
40 either at the physical location where the written agreement for the

1 rental, lease, lease-purchase, or loan of the property was executed
2 under subsection (1) of this section, or at the address where proper
3 notice may be mailed to the renter, lessee, or borrower under
4 subsection (~~(3)~~) (4) of this section.

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

--- END ---