

CERTIFICATION OF ENROLLMENT

SENATE BILL 5635

65th Legislature
2017 Regular Session

Passed by the Senate April 17, 2017
Yeas 47 Nays 1

President of the Senate

Passed by the House April 10, 2017
Yeas 98 Nays 0

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5635** as passed by Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 5635

AS AMENDED BY THE HOUSE

Passed Legislature - 2017 Regular Session

State of Washington **65th Legislature** **2017 Regular Session**

By Senators Padden, Pedersen, Angel, Palumbo, O'Ban, Wilson, Rossi,
and Zeiger

Read first time 02/01/17. Referred to Committee on Law & Justice.

1 AN ACT Relating to retail theft with special circumstances;
2 amending RCW 9A.56.360; and prescribing penalties.

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

4 **Sec. 1.** RCW 9A.56.360 and 2013 c 153 s 1 are each amended to
5 read as follows:

6 (1) A person commits retail theft with special circumstances if
7 he or she commits theft of property from a mercantile establishment
8 with one of the following special circumstances:

9 (a) To facilitate the theft, the person leaves the mercantile
10 establishment through a designated emergency exit;

11 (b) The person was, at the time of the theft, in possession of an
12 item, article, implement, or device used, under circumstances
13 evincing an intent to use or employ, or designed to overcome security
14 systems including, but not limited to, lined bags or tag removers; or

15 (c) The person committed theft at three or more separate and
16 distinct mercantile establishments within a one hundred eighty-day
17 period.

18 (2) A person is guilty of retail theft with special circumstances
19 in the first degree if the theft involved constitutes theft in the
20 first degree. Retail theft with special circumstances in the first
21 degree is a class B felony.

1 (3) A person is guilty of retail theft with special circumstances
2 in the second degree if the theft involved constitutes theft in the
3 second degree. Retail theft with special circumstances in the second
4 degree is a class C felony.

5 (4) A person is guilty of retail theft with special circumstances
6 in the third degree if the theft involved constitutes theft in the
7 third degree. Retail theft with special circumstances in the third
8 degree is a class C felony.

9 (5) For the purposes of this section, "special circumstances"
10 means the particular aggravating circumstances described in
11 subsection (1)(a) through (c) of this section.

12 (6)(a) A series of thefts committed by the same person from one
13 or more mercantile establishments over a period of one hundred eighty
14 days may be aggregated in one count and the sum of the value of all
15 the property shall be the value considered in determining the degree
16 of the retail theft with special circumstances involved. Thefts
17 committed by the same person in different counties that have been
18 aggregated in one county may be prosecuted in any county in which any
19 one of the thefts occurred. In no case may an aggregated series of
20 thefts, or a single theft that has been aggregated in one county, be
21 prosecuted in more than one county.

22 (b) The mercantile establishment or establishments whose property
23 is alleged to have been stolen may request that the charge be
24 aggregated with other thefts of property about which the mercantile
25 establishment or establishments is aware. In the event a request to
26 aggregate the prosecution is declined, the mercantile establishment
27 or establishments shall be promptly advised by the prosecuting
28 jurisdiction making the decision to decline aggregating the
29 prosecution of the decision and the reasons for the decision.

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